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THE JUVENILE LAWS OF IOWA:
COMPILATION AND ANALYSIS

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THE JUVENILE LAWS OF IOWA:
COMPILATION AND ANALYSIS

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Blaine H. Lytle
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The Problem. The problem of developing an adequate and consistent juvenile justice system commensurate with adult justice systems has been the concern of people for more than a century. Recent attempts have included review and recodification of laws by most state legislative branches of government. On the national level, recommended legislative models have been developed for the purpose of providing uniformity of juvenile laws between states in interstate compact agreements and procedures. In addition, interested groups have studied various specialized areas of juvenile justice resulting in models of segmented current practices.

This study resulted from the need to develop a compendium of the chapter and section numbers of the juvenile laws of Iowa from which an analysis would be made to identify the inconsistencies, contradictions, and inadequacies of these laws.

Procedure. The method for obtaining a compendium of the 583 juvenile laws of Iowa consisted first of a personal search by the investigator of the 1973 Code of Iowa to identify as many of the juvenile laws as possible. Verification of the completeness of this result included an additional search of the code by the 1973 Drake University Law Class and by a computer search for juvenile laws utilizing terms commonly used synonymously with the word juvenile. The results of all three of these investigations were used as cross references in verifying that all juvenile laws were included.

The initial treatment of the data was the sorting of these laws into twenty-four topics for the purpose of providing a compilation that would lend itself to analysis. Individual laws were identified that necessitated their classification under more than one topic. There were 198 such statutes. An alphabetical index of juvenile laws of Iowa was developed, as a result of this compilation, providing descriptive titles and cross referencing.

Findings and conclusions. As a result of this study, a total of ninety-nine examples were cited, encompassing eighty laws, illustrating that inconsistencies and contradictions did occur; that inadequacies did exist in the form of antiquated laws, duplication of laws, discrimination by laws, and inconsistencies in design; and that gaps were found relating to existing juvenile laws of Iowa and to non-existing laws.

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CHAPTER I

INTRODUCTION

The laws of the State of Iowa (as all U.S. laws) are a culmination of English and Roman common laws brought to America with the advent of the early immigrants and later into the territory now designated as the State of Iowa.¹ The general principles of the relationship of laws, constitutions, and common laws were presented by Joseph F. Triska, LL.B., in The Juvenile Laws of California as follows:

The common law is the great body of unwritten law which was originated, developed and formulated in England and brought to America by the English-speaking people when they first settled in the colonies. It is founded primarily upon general customs and usages . . . these customs and usages in time are recognized and sanctioned by the courts and are interpreted and made binding by the decisions of the courts of final appeal.

. . . It has never been codified . . . it must be sought in the treatises of innumerable writers of text books and in the recorded decisions of the courts.

The common laws, on any given point, is always superceded by a statutory or constitutional provision covering that point . . . The order in which the various laws take precedence are as follows:

1. The United States Constitution;
2. Treaties and Acts of Congress;
3. Constitution of the State;
4. State Statutes; and
5. The Common Law.

¹Joseph F. Triska, LL.B. The Juvenile Laws of California (Los Angeles: Research Publishing Company, 1950).
p.x.

There is no common law in the United States in a national sense, but the English common law has been adopted as the basis of jurisprudence in all the states of the Union with the exception of Louisiana. . . .¹

Section 8, Chapter 29, Laws of Iowa, effective July 30, 1840, says, "None of the statutes of Great Britain shall be considered as law in this territory."² This caused the state to become dependent upon federal and state ruling cases. The American ruling case laws are the result of the final decisions of the courts--state, federal, or both.

The difference between common law and ruling case law is that common law is a result of usage and custom within the jurisdiction of the statutes; American ruling case law is a direct product of court decisions, which in most instances were advanced from the lower to the high court system.³

The common law of the State of Iowa, found in the decisions of its highest court of record, formulates the precedent which adds significance to the statute law enacted by the legislature and helps fill gaps that may exist.

The State statute laws are affected by the court decisions, Attorney General's opinions, and Departmental Rules. These interpretations, decisions, and rules, as authorized

¹Ibid.

²Laws of Iowa, 1840 Code of Iowa, Chapter 29, Section 8, p. 401.

³Paul James Skarda, "The Common Law of Schools in Iowa" (unpublished Ph.D. thesis, Iowa State University of Science and Technology, Ames, Iowa, 1971), p. 1.

by the State Constitution and Statutes in effect become final in legal practice. Departmental Rules do in effect become law, as sanctioned in Chapter 17A Code of Iowa, and are set in print with copies being forwarded directly to those agencies that are affected. Court decisions and Attorney General opinions do become the legal practice; however, they do not become law.

The basis upon which this study has been developed is that suitable models exist for the development of a complete and adequate system of state juvenile laws but that the State of Iowa juvenile laws do not reasonably meet the criteria of such models.

This study is concerned with the juvenile laws of the State of Iowa.

RATIONALE FOR THE STUDY

The Iowa juvenile laws, insofar as the legislative process is concerned, are the product of the General Assembly. The first General Assembly convened in 1846 after gaining statehood. From the date of that assembly, inclusively up through the Sixty-Fourth General Assembly, juvenile laws have been adopted basically from bureaucratic departmental recommendations. The result has been a dispersion of these laws among the chapters of the total Code of Iowa. A preliminary search revealed that laws pertaining to juveniles occur in various sections of the Code of Iowa from Chapter thirty-five

through Chapter 761. In paraphrasing Ned Willis, a Perry, Iowa, attorney, "The dispersion of these laws challenges even the ablest of lawyers to locate particular laws applicable to juveniles."¹

Juvenile laws of Iowa appear not to have been adopted to provide adequate protection of juveniles from the adult majority or its bureaucratic machinery. Within a matter of days, a juvenile charged with car theft will be listed in the F.B.I. computer networks as a felonist. Unfortunately there is no retrieval system available should the juvenile be found innocent in a court of law. "Even if retrieval were possible," stated D. D. Lewiston, Mayor of Perry, Iowa, "this is contrary to the constitutional rights of the individual. Each and every citizen is innocent until proven guilty in a court of law and should not be recorded as a criminal until proven as such."²

The juvenile justice system in the state of Iowa also appears to be lacking in communications and cooperation between juvenile agencies; they tend to be competitive, resulting in an atmosphere that may be detrimental to the best interests of juveniles. A publication of the Des Moines/Polk

¹Ned Willis, Atty. at Law, Perry, Iowa, Personal Interview, August, 1973. Permission to quote secured.

²D. D. Lewiston, Mayor of Perry, Iowa. Personal Interview, August, 1973. Permission to quote secured.

County Metropolitan Criminal Justice Center describes the situation thus:

Because of the State's strong county orientation, control of the juvenile courts has remained within the county, and only when juveniles are committed to state training schools do they leave the purview of the county juvenile court. This situation results in what may appear to be an unnatural division in the juvenile justice system, as a youth may be dealt with at the county level for prolonged periods of time, but when county resources have been exhausted and he is committed to a training school county probation officers rarely see him again. Thus the familiarity and insight developed by the county probation officer goes for naught, as a State Department of Social Services field worker deals with the youth during institutionalization and supervised release. Because communication and cooperation between the Polk County Juvenile Court and the State's Area Field Office have not always been ideal, a smooth working relationship cannot necessarily be assumed.

The strong county orientation has other effects in the juvenile justice system, some positive, others not. It does establish clear lines of authority in that the judge is made responsible for all juvenile court activity within his particular county. In that the judgeship may rotate among county judges, the possibility exists for strong new leadership each year or, conversely, a lack of continuity. Although counties may eliminate these possibilities by establishing a single judge as permanent juvenile court judge, weaknesses exist when this is the case also, as it may delegate relatively permanent power to a judge who although trained in law, is not necessarily enlightened or knowledgeable about the treatment of delinquent youth. A judge of this type who is satisfied with his county's juvenile justice system may stifle the development of innovative programs, resulting in strict adherence to the status quo.

As has been the case with the Juvenile Court and the State Department of Social Services, communication and cooperation between other juvenile agencies has frequently been less than ideal. The Juvenile Treatment Project, for example, has not always been viewed

favorably by the Juvenile Court; similarly, there has been competition between the boys' and girls' training schools which has been detrimental to some degree.¹

The juvenile courts in the state of Iowa are so operated that injustices to juveniles can occur. Juvenile laws are formulated by adults. Referrals to the juvenile courts are made by adults. The question of guilt is seldom raised since it is assumed that the juvenile is guilty if he is appearing before the court. As stated in an interview with the County Attorney in Dallas County, Mr. Richard Poffenberger, "Perhaps too often the juvenile courts are more concerned with the disposition of the case than they are in establishing innocence or guilt."²

The President's Commission on Law Enforcement and the Administration of Justice report stated:

The juvenile court is a court of law, charged like other agencies of criminal justice with protecting the community against threatening conduct. Rehabilitating offenders through individualized handling is one way of providing protection, and appropriately the primary way in dealing with children. But the guiding consideration for a court of law that deals with threatening conduct is nonetheless protection of the community.³

¹Des Moines/Polk County Metropolitan Criminal Justice Center, The Criminal Justice System in Polk County, Iowa, Vol. IV, 1973, pp. 3, 4.

²Richard Poffenberger, County Atty., Dallas County, Iowa. Personal Interview, August, 1973. Permission to quote secured.

³Des Moines/Polk County Metropolitan Criminal Justice Center, op. cit., pp. 13, 14.

This Commission, in stating the purpose of the juvenile court, made no mention of determining guilt or innocence. Its purpose appears to be one of disposition in handling offenders that threatened the majority.

The juvenile laws of Iowa have never been reviewed in a total perspective. Many of these laws originated from bureaucratic departmental recommendations. Many others are the result of revisions of existing laws, such revisions based on the same type of recommendations. In addition, a large number of these laws are the result of initiative on the part of individuals. Over the past 127 years, this varied approach to enacting legislation concerning juveniles has resulted in such laws being scattered across ninety-seven chapters of the Code of Iowa.

The confusion attendant to such dispersion has resulted in antiquated laws. Chapter thirty-five referring to children of deceased war veterans is a typical example:

EXPENDITURE BY BOARD

Said bonus board is authorized to expend not to exceed four hundred dollars per year for any one child who shall have lived in the state of Iowa for two years preceding application for aid hereunder, and who is the child of a man or woman who died during World War I between the dates of April 6, 1917, and June 2, 1921, or World War II between the dates of September 16, 1940 and September 2, 1945, both dates inclusive, or the Korean Conflict at any time between June 27, 1950 and July 27, 1953, both dates inclusive, or the Vietnam Conflict at any time between August 5, 1964 and ending on the date the armed forces of the United States are directed for formal order of the government of the United States to cease hostilities, both dates inclusive, while serving in the military or naval forces of the United States,

to include members of the reserve components performing service or duties required or authorized under Chapter 39, United States Code and Title 32, United States Code, Section 502 through 505, inclusive and active state service required or authorized under Chapter 29A, or as a result of such service, to defray the expense of tuition, matriculation, laboratory and similar fees books and supplies, board, lodging, and any other reasonable necessary expense for such child or children incident to attendance at any educational or training institution of college grade, or in any business or vocational training school of standards approved by said bonus board, said educational institutions to be located within the state of Iowa.

A child eligible to receive funds under the provisions of this section shall not receive more than two thousand dollars during his lifetime.¹

The children of World War I, according to the Code, would have ceased being "children" as of June 2, 1943, by allowing a full year between the last possible conception date of June 2, 1921, and birth.

Terminology is a critical problem to any researcher of juvenile laws. To find a specific law one must either know the specific code number, search the index containing a dozen or more terms used synonymously with juveniles, or search out the topics. This search requires the term child, children, delinquent, infant, juvenile, legal age, minor, minority, orphan, pupil, student and youth.

Also, there seem to be inadequacies in Iowa's juvenile laws. For example, there appears to have been no attempt to revise these laws to be consistent with recent

¹Code of Iowa, Chapter 35, Section 9, 1973, p. 146.

court decisions concerning the constitutional rights of children.

Further, there is no compendium of these laws which would permit identification of possible inconsistencies and contradictions in the existing laws.

STATEMENT OF THE PROBLEM

The problem concerning the juvenile laws of Iowa, as discussed and documented in the rationale for the study, is as follows:

1. There is no compendium of the Iowa juvenile laws.
2. Inadequacies exist in Iowa's juvenile laws.
3. There are inconsistencies and contradictions in use of terminology contained in Iowa's juvenile laws.

Thus the problem for this study is to develop a compendium of the juvenile laws of Iowa, to identify the inconsistencies and contradictions and to determine the inadequacies of these juvenile laws based on a model code.

SIGNIFICANCE OF THE STUDY

Current interest and concern in revamping the juvenile laws of Iowa indicates there is a need for greater understanding and consideration of the total juvenile situation. The Bureaucratic structure of the Iowa State Government, with its many diverse departments and bifurcation of interests, has apparently been unable to untangle the hodge-podge,

haphazard approach to juvenile laws. This study is designed to focus attention on the problem and it is anticipated that it will help stimulate further interest in members of the legislative branch of Iowa government to act in the best interests of the juveniles of this state.

At this time, this is the only known study of this nature and scope in Iowa. There are few areas in the field of school administration that are more important than juveniles and the laws that govern their existence in the present day society. It is anticipated that the results of this study will become a guide for both the further study of juvenile laws of Iowa by school administrators and the implementation of these within the schools of Iowa.

PURPOSE OF THIS STUDY

The purpose of this study is three-fold. First, it is designed to identify all current Iowa juvenile laws up to and including the 1973 Code of Iowa and to compile them in such a way that they can readily be observed by topic. Second, it is the purpose of this study to identify contradictions and/or confusions of terms. Third, it is the purpose of this study to identify apparent inadequacies in the juvenile laws of Iowa. Fulfilling these purposes also made it possible to make recommendations concerning the improvement of these laws.

DELIMITATIONS OF THE STUDY

The current Iowa statutes governing all the people of Iowa are found in two volumes in the 1973 Code of Iowa. This study is limited to the following:

1. Iowa Laws adopted by the First General Assembly in 1846 through the Sixty-Fourth General Assembly in 1972. The laws of the Sixty-Fifth General Assembly had not, at the time this study was implemented, been made available in a form necessary for incorporation into this study.
2. Iowa Laws that pertain to juveniles of the State of Iowa.

ORGANIZATION OF THE STUDY

The investigation concerning the juvenile laws of Iowa is organized into five chapters including the introduction, review of related literature, procedures and techniques used in this investigation, presentation of data, and the summary, recommendations and conclusions.

Chapter I contains the introduction, rationale for the study, statement of the problem, significance of the study, purpose of this study, delimitations of the study, and the organization of the study.

Chapter II, Review of Literature, includes an introduction, history of the juvenile court, contemporary literature concerning juvenile law, and the model code availability.

Chapter III contains the procedures and techniques used in this study.

Chapter IV, Presentation of Data, includes an introduction, the laws concerning juveniles which pertain to more than one topic, a description of the index of juvenile laws of Iowa, inconsistencies in terminology, contradictions in the law, inadequacies in the juvenile laws of Iowa, and gaps that occur in the juvenile laws of Iowa.

Chapter V contains the summary, conclusions and recommendations resulting from this investigation.

CHAPTER II

REVIEW OF LITERATURE

INTRODUCTION

This chapter consists of a review of literature related to juvenile laws of Iowa. In no instance was any publication devoted to the total aspects of juvenile laws; however, material was found that was directly or indirectly related to segments of juvenile laws. Drake University, Iowa State University and the University of Iowa have not had, to the author's knowledge, doctoral research encompassing the total juvenile laws of Iowa.

The origin of the juvenile court and the humanistic approach to juvenile justice was the result of the practices and thoughts of the people living in the nineteenth century. To understand the current juvenile laws and practices, one must be cognizant of the historical events that shaped the laws of today.

HISTORY OF THE JUVENILE COURT

Classical criminology, with its doctrine of bringing about the greatest happiness of the greatest number, its concern for legal protection of civil liberties, and its drive for punishment and deterrence, shaped American criminal law

from the Revolution onward. The Federal Constitution became first the guideline and later a restraint on the appropriate content of criminal law and of criminal procedure. State penal laws, particularly those of Pennsylvania, established a pattern of legislative codification of crimes and limitation of capital and corporal punishments. Law enforcement officers and penal institutions were initiated to fulfill the classical promise that offenders could be reformed by precise humane punishments if quickly apprehended and convicted. Child offenders were subject, in theory, and often in practice, to the same procedures, operating under the same penal laws, with the same range of punishments as adults.¹

By the last quarter of the 19th Century, the promise of classical criminology seemed doomed. The criminal justice system had, in large measure, taken on the configuration it still maintains--but crime increased, particularly among the young. Moreover, classical theory had specified prison as the appropriate punishment by which to work reform, because terms of imprisonment could be precisely adjusted to fit crimes. Yet, classical theory said nothing about the actual organizational structure which was to be maintained within the institution. Sociologists, institutional administrators, and others who had examined or worked in prison institutions detected failures in classical theory and were

¹L. M. Friedman, A History of American Law (New York: Simon and Schuster, 1973), pp. 248, 261.

ready to accept the new concept of caused, determined behavior advanced by the positivistic criminologists.¹

Positivistic criminology broke with classical theory's laissez-faire approach to crime. That approach specified governmental restraint in the face of potential crime. People were to be punished only after they had actually engaged in violations of the criminal law. Positivistic criminology, in contrast, specified a doctrine of early intervention. Potential criminals should be diagnosed and treated before their problems impelled them to acts of crime. Such a doctrine fits nicely with the humanitarian thrust of American social science and philanthropy. The humanitarianism of the 19th Century thought that fortunate and successful people had a social and moral obligation to help troubled people--whether those troubled people wanted help or not.² Jeffery stated, "the positivists did not believe in definite sentences or strict legal definitions of crimes. Rather, they advocated indefinite criminal codes which allowed for a maximum of individual discretion and individualized justice based on the

¹I. Taylor, et al (Eds.), The New Criminology: For a Social Theory of Deviance (Boston: Routledge and Kegan, 1973), pp. 36, 37.

²Frederic L. Faust and Paul J. Brantingham, "Readings and Cases on Juvenile Justice" (unpublished manuscript, Florida State University).

circumstances of the case."¹

Table 1 shows the comparisons that Jeffrey identified when reviewing the characteristics of the classical and positivistic schools of criminology.

TABLE 1
CHARACTERISTICS OF CLASSICAL AND POSITIVE SCHOOLS OF
CRIMINOLOGY²

Classical	Positivist
Moral blameworthiness and free will	Determinism, no moral guilt
Legal Protection of civil liberties	No legal protection of civil liberties
Legal definitions of crimes	Social definitions of crimes
Values from ethics	Scientific studies
Criminal law retained	Criminal law ignored
Punishment and deterrence	Protect society and reform the criminal

According to Radzinowicz, "whereas the classical school exhorts men to study justice, the positive school

¹Ray C. Jeffery, Crime Prevention Through Environmental Design (Beverly Hills: Sage Publication, Inc., 1971), pp. 24, 36.

²Ibid., Table 1, p. 33.

exhorts justice to men."¹

The issues raised by the classical and positive schools have not yet been resolved. If we follow the classical school, we place emphasis upon procedural due process and upon deterring men from committing crimes. So far we have failed to devise a system whereby criminals are deterred by the threat of punishment. If we follow the positive school, we place emphasis upon scientific determinism, the rehabilitation of the criminal and the protection of society. We have not found a way to rehabilitate the criminal after the offense has occurred and the rehabilitative ideal has meant sacrificing individual rights as well as reducing the effectiveness of criminal law. As a result, due process for the accused has been greatly minimized in some instances, and criminal law has been asked to perform many social welfare and moral functions which it cannot adequately handle. We thus arrive at a situation wherein the law does not protect the rights of individuals accused of crimes, nor does it protect individuals from others who may commit crimes. No one benefits from the present state of affairs: the accused defendant may be convicted without certain procedural safeguards; the convicted criminal is not protected from harm or loss. Law enforcement has moved from punitive/deterrence position to a treatment/rehabilitation position without protecting the rights of either the accused defendant or the victim of the crime. Although criminal law is seen in terms of rehabilitation, deterrence, and the protection of society, none of these goals is today justified in terms of the results.²

Some writers on the subject have concluded that rather than serving one purpose, the law serves multiple purposes--retribution, deterrence, reform and the protection of society. Such a position allows one to preserve all possible arguments without being forced to select among them. "This is not very

¹Leon Radzinowicz, Ideology and Crime (New York: Columbia University Press, 1966).

²Faust and Brantingham, op. cit., p. 7.

helpful if none of the goals is achieved in fact, and if the goals are in conflict with one another."¹

One of the major arguments presented is that the law enforcement system has been seriously weakened by the move from deterrence to treatment, because attempts are not made to prevent crimes; instead, attempts are made to treat or cure criminals. It is debated that we cannot have both deterrence and treatment, as is many times assumed, since the very operations by which treatment is carried out are anti-deterrent measures. The basic assumptions of the positivists have created a situation whereby the deterrent qualities of legal control have been weakened while at the same time the rehabilitative forces of the criminal justice system have not been strengthened.²

The conditions that existed and the thoughts that prevailed during the nineteenth Century illustrate the reason for the shift from the criminal to the positive school of thought.

Before 1825, special institutions for delinquent children did not exist in the United States. Public authority sanctioned the power of parents and masters to punish youthful lawbreakers. Under the common law in England and America, the child under seven years of age was considered incapable of mischief, and the child between seven and fourteen was assumed to be incapable of felony but, according to Blackstone 'if it appear to the court and jury, that

¹Ibid.

²Ibid.

he could discern between good and evil, he may be convicted and suffer death.¹

Both customary practice and common law assumed that children were guilty as charged when accused of misbehavior and crimes. Possible innocence was not considered. The jury's primary function was to determine whether children understood their offenses. Juries seldom condemned children to jail and often acquitted them after a short trial, finding "lack of knowledge" the reason for the crime.²

Mennel reported that by the early nineteenth century, this method of handling delinquent children had become unsatisfactory on two counts because:

First, it did not work all the time: despite courtroom partiality toward youths, increasing numbers were being convicted and sent to jails where, it was commonly believed, they were schooled by adult inmates for future crime. Second, and more important, some children gained acquittal by appealing to the jury's sympathy--an equally unsatisfactory disposition because it allowed them to escape the consequences of their actions.³

Following a Cook County Jail inspection tour in 1869, the Chicago Board of Visitors reported:

¹William Blackstone, Commentaries on the Laws of England (London: A. Strahan and W. Woodfall, 1795), V. 4, p. 23.

²A. M. Platt, Child Savers: The Invention of Delinquency (Chicago: University of Chicago Press, 1969), Note 7, p. 202.

³Robert M. Mennel, Crime and Delinquency, National Council on Crime and Delinquency, Jan. 1972, pp. 68, 78.

The county jail was found to be based upon a system of terror: It is unjust and unloving, it assumes that a certain amount of suffering will expiate a certain amount of guilt, it confirms criminal tendencies, instead of eliminating them. . . . The effect of herding together of the old and young, innocent and guilty, convicts, suspected persons and witnesses, male and female, makes the jail a school of vice. In such an atmosphere,¹ purity itself could not escape contamination.

The inequities and the shortcomings in the criminal justice system caused concerned inhabitants in New York, Boston, and Philadelphia to create special institutions for delinquent children. The first was the New York House of Refuge, which was founded in 1824 by members of the Society for the Reformation of Juvenile Delinquents. The Boston City Council founded the House of Reformation for juvenile offenders in 1826, following the recommendation of Mayor Josiah Quincy. A House of Refuge was then opened in Philadelphia in 1828. Although they received public sanction and aid, the New York and Philadelphia refuges were privately managed. The Boston House of Reformation was a municipal institution. These three organized efforts to reform juvenile delinquents were the only ones to do so until 1847, when state institutions were opened in Massachusetts and New York.²

Illustrative of the initial concern with juvenile

¹Faust and Brantingham, op. cit., p. 15.

²Ibid., p. 22.

delinquency is this comment by founders of the New York House of Refuge about the legal disposition of delinquent children in the early 1820's:

If acquitted, they returned destitute, to the same haunts of vice from which they had been taken, more emboldened to the commission of crime by their escape from present punishment. If convicted, they were cast into a common prison with older culprits to mingle in conversation and intercourse with them, acquire their habits, and by their instruction to be made acquainted with the most artful methods of perpetrating crime.¹

Mennel related, "although the task of the refuge was to prevent delinquent children from being punished cruelly, it was also to insure that they were punished correctly. The necessity of providing accused delinquents with the legal safeguards of due process was not an issue."²

To carry out their plan, founders of the New York Refuge gave consideration to an 1822 study of American penitentiaries conducted by the Society for the Prevention of Pauperism. This report called for the construction of new prisons for juvenile offenders, concluding:

These prisons should be rather schools for instruction, than places of punishment . . . The youth confined there should be placed under a course of discipline, severe and unchanging, but

¹New York Society for the Reformation of Juvenile Delinquents, Annual Report. 1826, New York, 1827, pp. 3, 4.

²Faust and Brantingham, op. cit., p. 22.

alike calculated to subdue and conciliate. A system should be adopted that would prove a mental and morale regimen.¹

Implementing the ideals of the study, the New York Refuge, and others, established "a mental and moral regimen" to instill the habits of honesty and hard work in their children. In 1835, a typical day in the New York Refuge resulted in two hours of school before breakfast, an eight-hour workday, and then two and one-half more hours of school after which the children were conducted to their dormitories and locked up for the night.²

Under the terms of their incorporation, Mennel wrote:

Refuges received children who were destitute and orphaned as well as those who were actually convicted of felonies in state and local courts. Some of the 'convicted' children were guilty of no greater crimes than vagrancy, idleness, or stubbornness--those familiar catchalls for mild youthful misbehavior. By training both destitute and delinquent children and by separating them from their natural parents and adult criminals, refuge managers believed that they were preventing poverty and crime.³

These early child savers regarded convicted criminals and parents of delinquent children as one and the same. They

¹New York Society for the Prevention of Pauperism, Report on the Penitentiary System in the United States, New York, 1822, pp. 59, 60.

²New York Society for the Reformation of Juvenile Delinquents, Annual Report, 1835, pp. 6, 7.

³Faust and Brantingham, loc. cit.

sought to counter the influence of the parents by establishing the parental powers of the refuge directors. To do so, the institutions had to rebut claims that they were illegally depriving inmates of their liberty. The first significant legal challenge was a man by the name of Crouse. In 1838, Mary Ann Crouse's father attempted to free her from the Philadelphia House of Refuge on a writ of habeas corpus. The Pennsylvania Supreme Court denied his claim, saying:

The object of the charity is reformation by training its inmates to industry; by inbuing their minds with principles of morality and religion; by furnishing them with means to earn a living; and, above all, by separating them from the corrupting influence of improper associates. To this end, may not the natural parents, when unequal to the task of education, or unworthy of it, be superseded by parents patriae, or common guardian of the community? . . . The infant has been snatched from a course which must have ended in confirmed depravity; and, not only is the restraint of her person lawful, but it would¹ be an act of extreme cruelty to release her from it.

Alexis de Tocqueville and Gustave de Beaumont reached a similar conclusion on the rights of refuge children during their tour of American penal institutions in 1831. "The children," they wrote, "were not the victims of persecution, but merely deprived of a fatal liberty."²

One specialist related that although early refuge

¹Ibid.

²Gustave de Beaumont and Alexis de Tocqueville, On the Penitentiary System in the United States. Francis Lieber, trans. (Philadelphia: Carey, Lea, and Blanchard, 1833), p. 115.

leaders took pride in their institutions, the increasing number of reform schools betrayed their failure to put a stop to juvenile delinquency and their inability to prevent its growth. The violent activities of street gangs in the larger municipal centers increased both during and after the Civil War.

The major point is not that reform schools, both old and new, were unable to hold all the youthful law violators. Rather, the notable characteristic of reform schools in the later nineteenth century was their inability to cope with the relatively few children who did come under their charge.¹

This failure resulted from the increasingly cruel institutional life. Faced with only limited public financial support and large numbers of children, reform school managers were forced to rely upon the contract system. This system had been part of refuge life from the beginning, but it now assumed a more exploitative character. Clothing and shoe manufacturers, whose piecework was once welcomed because it was thought to encourage good habits, were now viewed with greater skepticism because they often insisted upon replacing institution officials with company supervisors in order to squeeze maximum productivity out of the children's working hours. Officials at the Philadelphia Refuge complained of this practice in 1866:

¹Faust and Brantingham, op. cit., p. 24.

Those immediately entrusted with the government of the boys are generally but illy qualified for so responsible a position . . . If the work be well done and a responsible amount of it, they are satisfied. These seven and a half hours of labor are spent without one moral lesson taught the boys, at least so far as the workmen of the shops are concerned.¹

In 1871, the New York Commission of Prison Labor, headed by Enoch Wines, investigated the contract system and uncovered many instances of exploitation and brutality. The commissioners received this picture of shop life from former New York Refuge employees Thomas Crowne and Valentine Feldman:

Q. Have you ever known instructors employed by the contractors to strike the boys? A. (Crowne) I have seen them do it, though it is forbidden. I have also seen them, when a keeper was around, and they did not dare to strike, tread on the boys' bare toes . . . so as to cause them to squirm all around . . .

Q. Have you ever seen any of the boys abused by the contractors' employees? A. (Feldman) Often and often. They do not call it abusing a boy to give him a kick, or a blow on the head . . .

Q. Please describe the way in which they are punished. A. I have seen boys punished for not completing their tasks, so that blood ran down into their boots.²

The new cottage reform schools, founded in the 1850's and 1860's to discipline and care for children in small family

¹ Enoch C. Wines and Theodore W. Dwight, Report on the Prisons and Reformatories of the United States and Canada (Albany, New York: Van Benthuypen, 1867), p. 431.

² New York State Assembly, Report of the Commission of Prison Labor. Doc. 18, IV, Albany, 1871, pp. 164, 181.

units and to teach them the benefits of farm life, also fell victim to demands for economy. Rev. Marcus Ames, superintendent of the girls' cottage reformatory at Lancaster, Mass. resigned in 1874 rather than accept the installation of workshops.¹ At the New Jersey State Reform School at Jamesburg, farming and maintenance work gave way to shirt-making in 1875 and a factory appeared among the cottages. Legislative investigators found life in the institution hard, routine and monotonous. James Leiby concludes in his comprehensive study of New Jersey institutions, "Jamesburg was not a family, nor a reformatory, but a boy's prison."²

Not surprisingly, incendiarism, rioting, and even murder marked the history of nearly every reform school. In 1859 Daniel Credan and five of his friends put the torch to the Massachusetts Reform School at Westborough.³ On May 17, 1872, Justus Dunn stabbed to death Saul Calvert, an overseer in the North Shop of the New York Refuge.⁴ Five years later,

¹Massachusetts, State Industrial School for Girls, Annual Report, Boston, 1875, pp. 8, 9.

²James Leiby, Charities and Correction in New Jersey (New Jersey: Rutgers University Press, 1967), p. 82.

³Massachusetts, State Reform School at Westborough, Thirteenth Annual Report, 1859, Boston 1959, pp. 3, 4.

⁴New York Society for the Reformation of Juvenile Delinquents, Annual Report, 1872, pp. 45, 47.

the superintendent of the Massachusetts girls' reformatory reported, "House No. 3, an old building . . . replete with interesting associations, was burned to the ground, having been set on fire by two of our inmates."¹

These events posed serious questions for reformatory institutions whose custodial power depended upon the *parens patriae* doctrine. If reform schools did not improve--indeed, if they abused delinquent children--how could they then justify their parental role? How could they avoid being labeled prisons? How could they pretend that the scope of their custodial power extended to vagrant and semi-delinquent children, as well as to youths convicted of felonies?

Soon after the Civil War, legal decisions interpreting *parens patriae* began to reflect increasing distrust of the intentions and performance of reform schools, and, conversely, new appreciation for natural parents. In 1870 the Illinois Supreme Court reversed the vagrancy sentence of Daniel O'Donnel to the Chicago Reform School on the grounds that he had not committed a crime and had been imprisoned without due process of law. 'Why should minors be imprisoned for misfortune?' asked the court. 'Destitution of proper parental care, ignorance, idleness and vice, are misfortunes, not crimes. . . . This boy is deprived of a father's care; bereft of home influences; has no freedom of action; is committed for an uncertain time; is branded as a prisoner; made subject to the will of others, and thus feels that he is a slave.'²

In 1897 an appellate court freed Jonie Becknell from the Whittier State School in California on the grounds that he had been committed solely on the basis of a grand jury hearing and "cannot be imprisoned as a criminal without a

¹Massachusetts, State Industrial School for Girls, Annual Report, Boston, 1878, p. 16.

²People v. Turner. 55 Illinois 280 (1870).

trial by jury."¹

Nevertheless, the animosity against reform schools was strong enough to find other means of expression. Beginning in the 1850's the New York Children's Aid Society shipped Manhattan Street urchins to western farms to prevent local authorities from committing them to the Refuge. Charles Loring Brace, the society's founder, asked: "If enough families can be found to serve as reformatory institutions, is it not the best and most practical and economical method of reforming these children?"²

"Placing-out" remained a popular alternative to institutionalization, even after the demand for youthful workers subsided in the agrarian West. In 1890 the Children's Aid Society of Pennsylvania, with the cooperation of local courts, offered to place in foster homes, delinquents who would otherwise be committed to reform schools. This probation experiment was not undertaken without misgiving. "We have sometimes left our wards . . . and returned half expecting the next mail to announce their evildoing and disappearance," recalled Homer Folks, secretary of the Society. "But we have been happily surprised as weeks passed by and all the reports

¹Faust and Brantingham, op. cit., p. 25.

²Second Convention of Managers and Superintendents of Houses of Refuge and Social Reform, Proceedings, 1858, New York, 1860, p. 48.

were hopeful."¹

The New York Society for the Prevention of Cruelty to Children established a similar program after influencing passage of state legislation which enabled it to receive children from the courts. Massachusetts continued to increase the size of its state visiting agency, which had been established in 1869 to serve as a probation and parole office for delinquents.

The idea of a juvenile court had, therefore, several roots. In many locales, children were still being detained in or sentenced to jail. Their plight was much lamented at philanthropic meetings and at state and national charity conferences. The creation of a probate tribunal, it was reasoned, would minimize and perhaps even eliminate this perennial problem. More important, however, in the origin of the juvenile court was the widespread belief that reform schools were no longer equal to the task of providing parental guidance for delinquent children. The reality of institutional life--the riots, the exploitation, the cruel punishments--mocked the ideal. In 1891, Homer Folks listed 'the contamination influence of association' and 'the enduring stigma . . . of having been committed' as² reasons to avoid sending children to reform school.

The popularity of nineteenth century probation plans--the forerunners of the juvenile court--can be traced directly to this distrust. "The Illinois juvenile court act (1899) combined the Massachusetts and New York systems of probation with several New York laws providing delinquents with special court sessions and separate detention facilities."³ Juvenile

¹Homer Folks, The Care of Delinquent Children, Proceedings, National Conference of Charities and Corrections, 1891. pp. 137, 139.

²Ibid., pp. 137, 140.

³New York Laws of the State, An Act for the Protection of Children and to Prevent and Punish Certain Wrongs to Children. Albany, 1877, Ch. 428, p. 46.

courts developed their own probation staffs, detention homes and auxiliary services, thus relegating reform schools to places of "dernier resort," in the words of one superintendent.¹ By relieving institutions of their parental power, juvenile courts were declaring that their own exercise of *parens patriae* would seek, above all, to reform delinquents without institutionalizing them. In this context, it is easy to understand why Jane Addams believed that the new tribunal "absolutely eliminated . . . all notions of punishment."²

The enactment of juvenile court legislation in Illinois in 1899 ushered-in a new era in the history of juris-prudence--the era of 'socialized juvenile justice.' While the juvenile court was established as a bona fide court of law, invested with the authority and coercive power of the state, the concept of justice was so altered as to be virtually unrecognizable in any traditional sense. Emphasis upon legal rights of the accused, protection of the innocent, proof of guilt, and sentence of punishment commensurate with offense was supplanted with concern for determining the child's condition and prescribing and implementing a course of action aimed at relieving that condition and preventing its recurrence. Thus, justice for the juvenile became a matter of alleviating an undesirable social situation, by interceding on the child's behalf; and ideally, before rather than after the child's involvement in antisocial acts. In this sense, the legal jurisdiction of the court was obtained on the basis of a child's alleged status and predictions for future consequences, rather than on the basis of alleged facts concerning past behavior of a necessarily antisocial nature. The blindfold was, therefore, purposefully removed from the eyes

¹H. W. Charles, The Problems of the Reform School, Proceedings, Child Conference for Research and Welfare, Vol. II, 1910, p. 86..

²Faust and Brantingham, op. cit., p. 26.

of 'justice' so that the total picture of the child's past experiences and existing circumstances could be judicially perceived and weighed against the projected outcomes of alternative courses of legal intervention. Further, the concept of juvenile justice excluded the notion of 'equality under the law.'¹

With concept of equal punishment for equal offenses, the fairness of juvenile justice rested in handling each child as his personal condition and needs would require. The juvenile court idea spread rapidly throughout the nation:

Within a dozen years 22 states had followed the example of Illinois, and by 1925 there were juvenile courts in every state but 2. Today there is a juvenile court act in every American Jurisdiction, including the District of Columbia with approximately 2,700 courts hearing children's cases.²

It would be a mistake to assume that the philosophy of juvenile justice was implemented in any uniform or standardized manner:

. . . the mere passage of a juvenile court statute does not automatically establish a tribunal of the sort the reformers contemplated. A U.S. Children's Bureau survey in 1920 found that only 16 percent of all so-called juvenile courts in fact had separate hearings for children and an officially authorized probation service and recorded social information on children brought to court. A similar survey conducted by the Children's Bureau and this Commission in 1966 revealed significant gaps still existing between ideal and actual court structures, practices,

¹Ibid., p. 62.

²President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime, (Washington, D.C.: Government Printing Office, 1967), p. 3.

and personnel. Indeed, it has been observed that 'there is nothing uniform' in the operations of children's courts.¹

In writing about the early juvenile court, Mennel concluded that the brightness of the promise of enlightened treatment came in large measure from the preceding darkness. Judges enhanced the reputation of their courts merely by refusing to send children to jail or commit them to reform school. Such dispositions made the juvenile court seem to be more miraculous than it actually was. Also, enthusiasm over the novelty of the institution encouraged its widespread adoption in one form or another throughout the United States.

The sheer amount of organizational and promotional activity disguised for a long while the court's quite traditional attitudes and policies toward the legal rights of delinquent children and their parents. Far from limiting the parental power of the state, advocates of the juvenile court sought to increase it.²

A 1905 decision upholding the legality of a juvenile court in Pennsylvania is representative:

To save a child from becoming a criminal, or from continuing in a career of crime, to end in maturer years in public punishment and disgrace, the legislatures surely may provide for the salvation of such a child, if its parents or guardians be unable or unwilling to do so, by bringing it into one of the courts of the state without any process at all, for the purpose of subjecting it to the state's guardianship and protection.³

¹Faust and Brantingham, op. cit., p. 63.

²Ibid., p. 26.

³Commonwealth v. Fisher. 62 A. 198, Pa. 1905.

Parents of delinquent children could not expect much sympathy from Ben Lindsey, the famous children's judge, who regularly belittled "the careless father, unworthy as a man, dangerous as a citizen."¹ On a more sophisticated level, psychologist Augusta Bronner urged that juvenile courts be allowed to remove children from "unworthy or stupid" parents who did not understand the principles of child psychology.² Homer Folks, without a trace of irony, concluded that the new court provided "a new kind of reformatory, without walls and without much coercion."³

Mennel stated:

The spirit of these comments would have seemed familiar to the father of Mary Ann Crouse. The juvenile court, like the early reform school, exercised parental power to punish parents for their children's delinquencies and to deny children legal rights on the pretext that they were being protected, not punished.⁴

In 1972 as in 1872, interest in providing delinquent children with legal safeguards is based upon belief that the state has not fulfilled its parental duties. Current legal interpretations protecting accused delinquents in the juvenile court resemble earlier decisions restricting the parental

¹ Benjamin B. Lindsey, "The Child, The Parent and the Law," *Juvenile Court Record*, May, 1904, pp. 9, 10.

² Faust and Brantingham, op. cit., p. 26.

³ Homer Folks, Juvenile Probation, Proceedings, National Convention of Charities and Corrections, 1906, pp. 117, 122.

⁴ Faust and Brantingham, op. cit., p. 26.

power of the reform school. The Gault case, like the O'Connell case nearly a century before, protects children against unfair loss of liberty. (Both of these decisions prefer the guardianship of natural parents to that of the state.) Today, as then, parents cannot be disqualified from caring for their children simply because they are poor or unfamiliar with the principles of child psychology.

Parents may indeed abuse or fail to exercise their disciplinary authority. There is, however, little historical evidence to indicate that public authorities in the United States have provided viable and humane alternatives.¹

The constitutionalists complained that socialized juvenile justice was wrong in denying children the legal rights of adults accused of crime on a claimed exchange for informal, scientific proceedings designed to help and to protect from the stigma of criminality. Even in charitable moments, when they were willing to concede that some juvenile courts might be living up to some of their promises, constitutionalists complained that children deserved more protection than adults from arbitrary interventions in their lives, not fewer protections.²

During the decade of the 1960's, the constitutionalists convinced several states³ and several rule making bodies⁴ to revise their juvenile court statutes and model rules. The constitutionalists also caught the attention of the United States Supreme Court in the Kent case, prompting Mr. Justice Fortas to observe that, "there is evidence, in

¹Ibid., p. 27

²Ibid., p. 151.

³Ibid.

⁴Ibid.

fact, that there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children."¹

The year following Kent, the Supreme Court adopted the constitutionalist position in the case of *In Re Gault*. The facts in *Gault* seemed to point to the unvarnished truth of the constitutionalist position. Virtually everything that could go wrong in the process of a socialized adjudication had gone wrong in *Gault*. A boy was adjudicated delinquent and sent to the state reform school for six years on the basis of compounded hearsay. His alleged misconduct would have carried a punishment of 60 days in jail or a \$50 fine for a convicted adult. The general tone of the proceedings made clear that the fact of delinquency had been settled from the moment of complaint and that the court hearings had been mere trappings intended to extract a confession and to give the judge time to decide on a disposition--so clear that Justice Fortas subsequently characterized the proceedings as a 'kangaroo court.' The Kafkaesque quality of the case was increased by the absence of records. There were no records at the county detention home despite the fact that the boy had been held in custody for several days. There had never been any precise or written statement of charges. There was no trial record of any sort. Further, the juvenile court judge was unaware of the fact that the boy's alleged conduct was prohibited by state law and had to fall back on an unconvincing 'where there's smoke, there's fire,' rationale for his finding of delinquency. The single record that did exist, a probation 'referral report,' had to be pried out of the juvenile court's 'confidential' files by the boy's lawyer with a court order from the superior court. Finally, state law permitted no appeal from juvenile court decisions.²

The boy's parents challenged his committal through a state habeas corpus proceeding. The writ was rejected and an

¹Ibid.

²Ibid.

appeal to the state supreme court ended with a holding that due process of law for children did not require, among other things, notice of the charges, notice of the right to counsel, the right to confront and cross-examine sworn witnesses, nor the privilege against self-incrimination.¹

The United States Supreme Court disagreed. Speaking for five members of the court, Justice Fortas revised juvenile court philosophy as a matter of constitutional mandate. He held that a juvenile facing possible incarceration through delinquency proceedings based on a claim of law violation is entitled to at least some of the procedural protections accorded adults accused of crime because ". . . neither the Fourteenth Amendment nor the Bill of Rights is for adults alone."² The constitutionalist position had prevailed.

The Supreme Court handed down an elaborate and wide-ranging opinion affirming dismissal of the writ and stating the court's conclusions as to the issues raised by appellants and other aspects of the juvenile process.

In their jurisdictional statement and brief in this court, appellants do not urge upon us all of the points passed upon by the Supreme Court of Arizona. They urge that we hold the Juvenile Code of Arizona invalid on its face or as applied in this case because, contrary to the Due Process Clause of the Fourteenth Amendment, the juvenile is taken from the custody of his parents and committed to a state institution pursuant to proceedings in which the Juvenile Court has virtually unlimited discretion, and in which the following basic rights are denied:

¹Ibid.

²Ibid.

1. Notice of the charges;
2. Right to counsel;
3. Right to confrontation and cross-examination;
4. Privilege against self-incrimination;
5. Right to a transcript of the proceedings; and
6. Right to appellate review.¹

The early conception of the Juvenile Court proceeding was one in which a fatherly judge touched the heart and conscience of the erring youth by talking over his problems, by paternal advice and admonition, and in which, in extreme situations, benevolent and wise institutions of the State provided guidance and help "to save him from a downward career."² Then as now, goodwill and compassion were admirably prevalent in intent. However, recent studies have, with surprising unanimity, entered sharp dissent as to the validity of this gentle conception. For example, a recent study observed that when the procedural laxness of the "parens patriae" attitude is followed by stern disciplining, the contrast may have an adverse effect upon the child, who feels that he has been deceived or enticed. It concluded, "unless appropriate due process of law is followed, even the juvenile who has violated the law may not feel that he is being fairly treated and may therefore resist the rehabilitative efforts of the court personnel."³

¹Ibid., p. 152.

²Ibid., p. 160.

³Juvenile Delinquency - Its Prevention and Control
(Russell Sage Foundation, 1966), p. 33.

Failure to observe the fundamental requirements of due process has resulted in instances, which might have been avoided, of unfairness to individuals and inadequate or inaccurate findings of fact and unfortunate prescriptions of remedy. Due process of law is the primary and indispensable foundation of individual freedom. It is the basic and essential term in the social compact which defines the rights of the individual and delimits the powers which the state may exercise.

The impact of denying fundamental procedural due process to juvenile involved in 'delinquency' charges is dramatized by the following considerations:

1. In 1965, persons under 18 accounted for about one-fifth of all arrests for serious crimes¹ and over half of all arrests for serious property offenses² and in the same year some 601,000 children under 18, or 2% of all children between 10 and 17, came before juvenile courts.³ About one out of nine youths will be referred to juvenile court in connection with a delinquent act (excluding traffic offenses) before he is 18.⁴ Furthermore, most juvenile crime apparently goes undetected or not formally punished. Wheeler and Cottrell, supra, observe that 'Almost all youngsters have committed at least one of the petty forms of theft and vandalism in the course of their adolescence.'⁵

¹ Faust and Brantingham, op. cit., p. 158.

² Ibid.

³ Juvenile Court Statistics 1965, U.S. Dept. of Health, Education, and Welfare, Children's Bureau, Statistical Series, No. 85, 1966, p. 2.

⁴ Faust and Brantingham, op. cit., p. 158.

⁵ Ibid.

2. In New York, where most juveniles are represented by counsel¹ and substantial procedural rights are afforded² out of a fiscal year 1965-1966 total of 10,755 juvenile proceedings involving boys, 2,242 were dismissed for failure of proof at the fact-finding hearing; for girls, the figures were 306 out of a total of 1,051.³

3. In about one-half of the States, a juvenile may be transferred to an adult penal institution after a juvenile court has found him 'delinquent.'⁴

4. In some jurisdictions a juvenile may be subjected to criminal prosecution for the same offense for which he has served under a juvenile court commitment. However, the Texas procedure to this effect has recently been held unconstitutional by a federal district court judge, in a habeas corpus action.⁵

5. In most of the States the juvenile may end in criminal court through waiver.⁶

As Justice Frankfurter has said: "The history of American freedom is, in no small measure, the history of procedure."⁷ But, in addition, the procedural rules which have been fashioned from the generality of due process are the best instruments for the distillation and evaluation of essential facts from the conflicting welter of data that

¹Ibid.

²Ibid.

³New York Judicial Conference, Twelfth Annual Report, 1967, pp. 314, 316.

⁴Delinquent Children in Penal Institutions, Children's Bureau Publication, No. 415, 1964, p. 1.

⁵Sawyer v. Hauck, 245 F. Supp. 55, D.C.W.D.Tex., 1965.

⁶Faust and Brantingham, op. cit., p. 158.

⁷Ibid.

life and our adversary methods present. It is these instruments of due process which enhance the possibility that truth will emerge from the confrontation of opposing versions and conflicting data. "Procedure is to law what 'scientific method' is to science."¹

CONTEMPORARY LITERATURE CONCERNING JUVENILE LAW

The Juvenile Justice System in Iowa

The Juvenile Justice System in Iowa is a study prepared by Margaret Stevenson, Study Committee Chairman for the League of Women Voters of Iowa, in 1973. It includes an introduction covering the historical development of the Juvenile Justice System, a review of the Iowa Juvenile Court, how the system works, the rights of the parties, and editorial comments.

In the introduction, the following statement was made:

In adopting for study the Juvenile Justice System in Iowa the 1973 Convention of the Iowa League of Women Voters committed the logical sin of begging the question twice. The item first assumes that there is a "system" and secondly assumes that "justice" results therefrom. From the published information which is available it is demonstrable that there is no "system" and, in fact, the best word to describe what we have in the juvenile court and corrections system in the State of Iowa would be "disorganization." Whether or not justice nevertheless results, by any definition of

¹Henry H. Foster, Jr., "Social Work, the Law, and Social Action," Social Casework, 45 (July 1964), pp. 383, 386.

that term is not susceptible of proof. We will nevertheless refer to what we have as a "system."¹

This study indicates the vast majority of referrals to the Iowa juvenile courts is by law enforcement agencies. The non-judicial handling of juveniles was stated as follows:

Forty-five to fifty percent of police contacts with children, it is estimated, are handled in a non-judicial manner by the exercise of discretionary power by the police. Whether or not guidelines or standards have been locally established in Iowa for law enforcement officers in making a proper decision in this respect is not known. There are no statutory guidelines. The police may elect to release the child to his parents or they may refer him to an appropriate social agency rather than refer him to court. The success of such an approach is dependent upon two things. One is the skill and training of the officer, and the other is the adequacy of community resources for care and treatment. Generally, law enforcement officers are concerned with overt behavior and even in the case of a specialized juvenile officer trained in observation and understanding of juvenile behavior, unless he were also a trained social worker, the officer's decision may not be very effective. One obvious danger of informal pre-judicial disposition of a troubled juvenile is that a child in need of professional diagnosis and treatment may not receive it at a time when such professional help would be most effective. No readily available information has been found to indicate what, if any, training is received by police officers in the state of Iowa in juvenile problems, nor as to whether or not officers specifically assigned to juvenile duty receive the specialized training which should be required.²

The highlights of the editorial comments which follow summarize many of the problems of Iowa's juvenile justice

¹Margaret Stevenson, Study Committee Chairman, League of Women Voters of Iowa, "The Juvenile Justice System in Iowa," 1973, p. 12.

²Ibid., p. 13.

system.

The writer believes that there is urgent need for legislative reform of the juvenile justice system. There is a need to redefine the goals of the juvenile justice system in the light of modern conditions and needs and to restructure the institutions of juvenile justice towards the realization of those goals. Advocacy through the courts is not effective in view of the desperate nature of the issues which need resolving and is not a suitable means to achieve the comprehensive changes needed to effectuate true and lasting reform. The present statutes in Iowa are excessively broad and frustratingly vague. Conflicts of interest abound within the system, such as intake screening and probationary services. Customary practices include severe overuse of detention. The precise role of the juvenile officer has never been clearly articulated. The authority for the juvenile court and the juvenile court officers to act in the welfare of the child and in the best interest of the State is frequently employed to justify unwarranted interference with the parent-child relationship. Under the present system of juvenile justice, the statutory rights postulated for children are largely elusory. For example, statutes providing for the confidentiality of juvenile court records are openly violated. Statutory standards governing dispositional orders are all but wholly lacking except for boiler plate purposes clauses. The present system contains only vague and undefined hearing procedures, particularly in the detention area. The rule of construction of chapter 232 which states that the chapter shall be liberally construed to the end that each child coming within the jurisdiction of the juvenile court shall receive, in effect, treatment preferably in his home is not backed up by any substantive or procedural standards or requirements in the remaining portion of the chapter. It seems obvious that neither judges nor attorneys are going to do battle for reform in this area in any comprehensive sense and there is an urgent need for legislative advocacy.

No amount of procedural reform or legislative standards will be effective in the juvenile justice field without a commitment of community and community resources. In the writer's opinion it is absolutely essential that the greatest effort be put forth for comprehensive planning in this area. A system for the compilation of underlying data must

be developed and implemented at both the State and local level. At present there is no component part of the system in position to do this. Any such data-compiling system must take into account the unofficial and pre-judicial disposition of children who are dependent, neglected or delinquent. In terms of dedication of community resources, however, it makes sense not to wait for a statewide program but to commence immediately toward local comprehensive planning to establish and carry out community-based programs in this area. There is a need for each community to survey its problem, to define its goals and objectives in dealing with its troubled youth and then to make a commitment to carry out such goals and objectives.

Thirdly, it is the writer's conviction that there is a need to provide training for juvenile court judges and probation officers. As far as training for judges is concerned there are programs available but the efficacy of such programs in Iowa is doubtful until some solution is found to the problem of rotation of assignment of judges to the juvenile court system. There needs to be ongoing staff training of probation officers. It must be remembered that probation officers are chosen by the juvenile court judge and usually reflect the attitudes of such judge. Some areas of training that the writer believes to be crucial are development of client behavioral objectives, communication techniques, group therapy, family therapy, individual counseling techniques and use of community resources.¹

Child Abuse

Gordon Gammack, in November of 1973, ran two columns on child abuse which cited the statistics of abuse to children as follows:

Iowa City, Ia. There is a statistic, a fact of savagery, that haunts Dr. Gerald Solomons.

If an Iowa child is reported as a victim of child abuse and is returned to the parents without appropriate family therapy the odds are close to

¹ Ibid., pp. 27, 28.

50-50 that the child soon will be dead or maimed for life.

That is why, says Dr. Solomons, there is urgent need for revision of the state's law dealing with what is called the battered child syndrome--a legal code whose primary aim is protection of the child, not prosecution of the batterer.

Dr. Solomons, a kindly Scot, is professor of pediatrics, director of the Child Development Clinic and chairman of the Child Abuse Committee at University Hospitals in Iowa City.

There are shocking statistics that pinpoint the enormity of child abuse--in Iowa and throughout the nation.

In one year in the United States, 662 child abuse cases were serious enough to warrant reports in United States newspapers. A follow-up study revealed that within one year, 25 percent of these children were dead.

Of 56 Iowa cases reported by Dr. Solomons to authorities from 1967 through 1972, 7 percent are dead.

Twenty-five percent of all fractures suffered by children under the age of 2 are probably the result of child abuse.

Fifteen percent of all injured children under the age of 5 who are admitted to hospital emergency departments are victims of child abuse.

'Child abuse is the most common ailment of all children under the age of 5,' concludes Dr. Solomons.

The average person assumes that child abuse cases are restricted generally to the poor and uneducated. Not so, says Dr. Solomons.

'It crosses all socio-economic classes; not more prevalent in one class than another,' he says. 'More cases are reported in the poorer classes, however, because it is easier for a physician to report the town drunk than the bank president, particularly if the banker holds the mortgage on the doctor's home, farm or car.'

. . . Dr. Solomons and Josephine Gittler, associate law professor at the University of Iowa, are working with several members of the Iowa Legislature to revise Iowa's laws to protect victims of child abuse.

All too often, says Dr. Solomons, the objective of protecting the child is lost in a morass of legal entanglements, especially lack of proof, in the frenzy to punish the offending parent.

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Dr. Solomons says that a model law should include protections for a child victimized by willful neglect--and that definition of neglect should include denial of medical treatment.

Dr. Solomons hopes revisions in the law will encourage doctors to report child abuse. Of more than 200 child abuse cases in Iowa last year, only 11 were reported by doctors. A recent case in California may necessitate that doctors report more regularly.

A young mother left her husband with their baby and went to live with a boyfriend. The boyfriend beat the infant with whips and straps and the child wound up in a hospital. The hospital sent the child home. The boyfriend strangled the child--not fatally but gross brain damage resulted. The boyfriend was sent to prison for 10 years.

The natural father sued the hospital and the doctors involved for not reporting the case. He asked \$5 million and settled out of court for \$600,000.¹

Confinement

The jail-cell suicide of Dean Beurskens, a Marshalltown sixteen year old boy, brought to the attention of the people of Iowa the inadequacy of Iowa's juvenile confinement laws.

... Shortly before he killed himself, Dean Beurskens penciled a brief message on the walls of his cell in the Marshall County Jail:

'I want to die. No dope. No O.D. (overdose). No rope. No hang. Razor blade. I cut my wrist. No blood. I ain't ready to die. Help me die. 22 more days. help help help help'

... 'He was determined to die,' said Marshall County Sheriff Derald Gonzales.

¹ The Des Moines Sunday Register, Nov. 18, 1973, Sec. C., p. 1, 7; Nov. 25, 1973, Sec. C., p. 1, 7, Col. 1, 2.

Pausing for a second, his forehead furrowed in anger, Gonzales added:

'I don't think a kid should have been kept in this damn jail.'

Dean was not a criminal, said Gonzales. He had not been charged with a crime.

He was guilty only of being a runaway. But he had other problems, including the use of marijuana and possibly hard drugs.

Being a runaway, the sheriff said, is an offense that can land a juvenile in jail for an undetermined length of time in Marshall County--and in many other counties in Iowa.

'He was supposed to be placed in Cherokee in December, but his probation officer never got around to it,' said Beurskens.¹

Iowa "Fails" in Juvenile Facilities

As a result of the tragic death of Dean Beurskens, legislators conceded there is a lack of adequate juvenile facilities. A news article relating legislators feeling is as follows:

Senator Kevin Kelly (Rep. Sioux City), chairman of the Legislature's Penal and Correctional Study Committee, said the whole field of juvenile law and rehabilitation has been 'terribly neglected' by Iowa though the situation is worse in most other states.

Representative Elmer Den Herder (Rep., Sioux Center), who is chairman of the House Appropriations Subcommittee on Human Resources which controls important purse strings for juvenile programs, objected to the emphasis placed on improvements in adult rehabilitation while largely ignoring youngsters.

¹ Des Moines Tribune, January 24, 1974, p. 1, 3, Col. 1, 2.

The simple fact of the matter, he said, is that 'our children are more susceptible to treatment.'¹

Iowa Criminal Code Revision

The Iowa Bar Association saw the need almost ten years ago to revise the state's criminal laws. A special bar committee was therefore established for this purpose. The committee worked for years and failed to produce a report.

The Iowa Legislature then appointed a Criminal Code Review Study Committee in 1969. The committee included two law professors. The input for the study came from criminal justice experts, judges, police and prosecutors.

That study resulted in a 247 page bill updating the state's criminal statutes and has been presented to the 1974 Legislature for review. The report has been characterized by some legislators as being too tough while other legislators have indicated it is too soft. The future status of the study rests in the hands of the legislators.²

MODEL CODE AVAILABILITY

The investigator queried the American Bar Association, with offices located in Chicago, for information of a source

¹Des Moines Tribune, January 25, 1974, p. 1, 3, Col. 2, 3.

²Ned Willis, Atty. at Law, Perry, Iowa, Personal Interview, February, 1974. Permission to quote secured.

for a model code. The only source known to them was Judge Jean Jacobucci, Hall of Justice, Brighton, Colorado.

Judge Jacobucci was contacted and an inquiry was made regarding a model code. He related he did have such a code and forwarded a copy to the researcher.

Colorado Children's Code

The Colorado Children's Code, obtained from Judge Jacobucci, includes sixty-eight pages of laws pertaining only to children. These sixty-eight pages are but one chapter, which is Chapter 22 of the Colorado State Code, and contains ten articles. The ten articles are as follows:

- Article 1. General Provisions
- Article 2. Temporary Custody, Detention and Shelter
- Article 3. Petition, Adjudication, Disposition
- Article 4. Relinquishment and Adoption
- Article 5. Juvenile Probation Services and Detention Facilities
- Article 6. Paternity Proceedings
- Article 7. Support Proceedings
- Article 8. Institutional Facilities and Transfers
- Article 9. Juvenile Parole
- Article 10. Reporting of Child Abuse

Article 1, Colorado Children's Code states, "This chapter shall be known and may be cited as the 'Colorado

Children's Code."¹

The purpose of Chapter 22, Children's Code is stated as follows:

DECLARATION OF PURPOSE

- (1) (a) The general assembly hereby declares that the purposes of this chapter are:
 - (b) To secure for each child, subject to these provisions, such care and guidance, preferably in his own home, as will best serve his welfare and the interests of society;
 - (c) To preserve and strengthen family ties whenever possible, including improvement of home environment;
 - (d) To remove a child from the custody of his parents only when his welfare and safety or protection of the public would otherwise be endangered; and
 - (e) To secure for any child removed from the custody of his parents the necessary care, guidance and discipline to assist him in becoming a responsible and productive member of society.²
- (2) To carry out these purposes, the provisions of this chapter shall be liberally construed.

Definition of terms are found starting on the first page of the Colorado Children's Code. They are clear, concise, and complete. Having been so written, they are not repeated in the individual laws nor is there a need for such redundancy. The only time an exception exists is when the context otherwise requires. This clarification is stated before any definitions are given as follows:

¹Colorado Children's Code, Ch. 22, Art. 1, Aug. 1973, p. 1.

²Ibid.

DEFINITIONS

- (1) As used in this chapter, unless the context otherwise requires: . . .¹

The Colorado Children's Code does not contain all of the laws pertaining to juveniles. It does not include licensing, education, drugs, tobacco or labor laws. It does, however, appear to include those laws pertaining to the courts, probate code, training institutions, neglected and dependent children, adoption, marriage and medical institutions.

The index of the Colorado Children's Code is easily usable. The law titles are descriptive and complete. Each law is listed alphabetically by the descriptive title. There are no main topics or subtopics in the index. Thus there is redundancy in the compilation of the index. For example, laws pertaining to relinquishment and adoption cover the equivalent of two pages of the index with the words "relinquishment and adoption" occurring as the first portion of the title for each law.

Uniform Juvenile Court Act

The Uniform Juvenile Court Act was drafted by the National Conference of Commissioners on Uniform State Laws, at its annual conference meeting in Philadelphia, Pennsylvania, July 22-August 1, 1968. This Act was in turn

¹Ibid., p. 1, 2.

approved by the American Bar Association at its meeting at Philadelphia, Pennsylvania, August 7, 1968.

The Uniform Juvenile Court Act has been drawn with a view to fully meeting the mandates of these decisions. At the same time, the aim has been to preserve the basic objectives of the juvenile court system and to promote their achievement. In short, the Act provides for judicial intervention when necessary for the care of deprived children and for the treatment and rehabilitation of delinquent and unruly children, but under defined rules of law and through fair and constitutional procedure.

General adoption of this Act will also assure much needed uniformity in the law among the several states. The common underlying pattern of existing juvenile court codes demonstrates the need for such uniformity. The trend in all areas of court procedure is in the direction of uniformity and the major part of a juvenile court code deals with matters of procedure. Moreover, one of the results of Kent and Gault will be an increase in judicial review of questions of law arising in juvenile court cases. If the codes of the several states are the same, the resulting development of a common body of judicial precedent will greatly benefit the states generally.

With the greatly increased mobility of families among the states, there is need for a simple means of interstate cooperation between the several states in handling of delinquent, unruly, and deprived children. The Council of State Governments prepared, in 1958, an Interstate Compact on Juveniles which has been adopted by substantially all of the states. (Suggested State Legislation, Program for 1958, Council of State Governments.) This interstate agreement was designed to cover multi-state problems of delinquents. The reciprocal provisions contained in this Act will further interstate cooperation in the handling of unruly and deprived children as well as delinquents. This objective requires a uniform act containing not only reciprocal provisions but providing the same law in each of the states.¹

¹National Conference of Commissioners on State Laws, Uniform Juvenile Court Act, Philadelphia, Aug. 1968, p. 3, 4.

The purposes of this Act are clearly stated in Section 1 of the Uniform Juvenile Court Act as follows:

Section 1. (Interpretation.) This Act shall be construed to effectuate the following public purposes:

(1) to provide for the care, protection, and wholesome moral, mental and physical development of children coming within its provisions;

(2) consistent with the protection of the public interest, to remove from children committing delinquent acts the taint of criminality and the consequences of criminal behavior and to substitute therefore a program of treatment, training, and rehabilitation;

(3) to achieve the foregoing purposes in a family environment whenever possible, separating the child from his parents only when necessary for his welfare or in the interest of public safety;

(4) to provide a simple judicial procedure through which this Act is executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced; and

(5) to provide simple interstate procedures which permit resort to cooperative measures among the juvenile courts of the several states when required to effectuate the purposes of this Act.¹

The Uniform Juvenile Court Act, as the title implies, is designed for the sole purpose of creating uniformity between states for legislation in the area of the juvenile court itself. It does not include all juvenile laws. In addition, this "Act" is not a law but rather a guideline organized by a professional legal group for the purpose of uniformity of law development in all states. Therefore,

¹Ibid., p. 5.

this act cannot be utilized as a model juvenile code for purposes of comparison with the Iowa Juvenile Code.

Uniform Parentage Act

The American Bar Association also provided the investigator with an approved draft of the Uniform Parentage Act.¹ This material, developed by the National Conference of Commissioners on Uniform State laws, pertains only to those laws relating to the child born out of wedlock. The researcher concluded this material was not adequate or complete enough to be deemed a model juvenile code.

California Code

Other studies and publications were investigated with the particular intent of locating a model juvenile code for the purpose of comparing Iowa's Juvenile Code to that model. The Attorney General's office for the State of California was contacted and a request was made for a copy of the Code of California Juvenile Laws. The investigator was informed the State of California did not have a model code but rather the juvenile laws were incorporated within the total Code of California. In addition, the juvenile laws had not been reviewed in a total perspective for years.

¹National Conference of Commissioners on Uniform State Laws, "Uniform Parentage Act," Chicago, Unpublished.

Summary

The investigator was not able to find any model code with which to compare Iowa's juvenile code. The only recent publication of juvenile laws was the Colorado Children's Code. That document did not cover the total aspect of juvenile laws and, therefore, could not be used for the purpose of comparison with Iowa juvenile laws in this investigation.

CHAPTER III

PROCEDURES AND TECHNIQUES USED IN THIS INVESTIGATION

The research described in this dissertation was both historical and topical in approach and was limited to the primary source data of the 1973 Code of Iowa. This source, containing the Iowa statutes governing all the people of Iowa, was published by the State of Iowa, consisting of two volumes totaling 3476 pages. The time period covered in these volumes includes Iowa laws adopted by the First General Assembly in 1846 through the Sixty-Fourth General Assembly in 1972.

Other information, used for purposes of analyzing the data and for comparison, was obtained from published and unpublished literature, and is summarized in Chapter II.

One purpose of the study was to collect the Code of Iowa Laws pertaining to juveniles. The method for obtaining this collection of 583 laws consisted of a personal search by the investigator of the 1973 Code of Iowa. Verification of the completeness of this search was two-fold. First, the 1973 Drake University summer school law class collectively investigated the code, by chapters, selecting those chapter and section numbers applicable to the study. This was used as a cross reference for the personal search. Second, State Representative Edgar H. Bittle agreed, because of his

interest in the significance of the study, to direct a computer search of the juvenile laws. In order to conduct this computer search, the services of the Legislature Service Bureau, located in the Iowa State Capitol, were utilized. The terms used in this inquiry included twelve nouns which the researcher believed were most commonly used as the language of the laws when references were made concerning juveniles. Those terms were:

- | | |
|---------------|-------------|
| 1. Child | 7. Minor |
| 2. Children | 8. Minority |
| 3. Delinquent | 9. Orphan |
| 4. Infant | 10. Pupil |
| 5. Juvenile | 11. Student |
| 6. Legal Age | 12. Youth |

The Legislature Service Bureau revised this list by separating legal age into two terms, legal and age, making a list of thirteen terms. These terms were grouped for the computer search as follows:

1. Child, children, delinquent, infant and juvenile.
2. Legal and age.
3. Minor, minority, orphan, pupil, student and youth.
4. All thirteen terms.

The computer print-out resulted in 954 section numbers of the code where one or more of these thirteen terms were used. The number of sections identified using the four lists were as follows:

List 1	751
List 2	45
List 3	268
List 4	954
Total	954

The researcher then used the computer print-out as a second means of verification that all juvenile laws were included. Of the 954 sections cited by the computer, 583 included references to juveniles. The remaining 371 sections pertained to other subjects such as "minority house leader," "delinquent taxes," and "legal authorities."

Each law pertaining to juveniles was placed on a separate sheet for ease in manipulation. This also permits changing, deleting from or adding to this collection as the law changes. The initial treatment of the data, following satisfaction of the researcher that all data had been collected, was to sort the laws by topic. It was originally anticipated that these laws could be organized under the following twelve topics:

- | | |
|-------------------------|-----------------|
| 1. Adoption | 7. Legal Status |
| 2. Courts | 8. Licensing |
| 3. Criminal Code | 9. Marriage |
| 4. Education & Training | 10. Residence |
| 5. Employment | 11. Vehicle Law |
| 6. Family | 12. Welfare |

The vast number of laws pertaining to juveniles was

not anticipated and, since the compilation of laws by topics was to be the basis of detecting contradiction of terms and inadequacies in the laws, additional topics had to be used, with some of the original considered topics being used as subtopics. The final list of topics used consisted of the following:

1. Abuse to Children
2. Age
3. Aid to the Blind
4. Aid to Dependent Children
5. Alcoholic Beverages
6. Child Placing Agencies
7. Cigarettes and Tobacco
8. Contagious and Infectious Diseases
9. County Home
10. Courts
11. Drugs, Uses and Penalties
12. Education
13. Family
14. Gifts to Minors
15. Labor
16. Licensing
17. Medical Assistance
18. Orphans
19. Public Offenses
20. Rights and Liabilities

21. Social Services, Department of
22. Training Institutions
23. Welfare
24. Workmen's Compensation Benefits for Children.

A listing of the chapter and section numbers of the Code of Iowa resulting from the compilation appears as Appendix C to this study.

A card index was then established using the twenty-four topics as the "index." Each law was then filed by section number under the topic to which it pertained. This process then became a problem in that many sections of the law could be filed under more than one topic. After consideration, it was decided to file any given section of the law wherever it applied even though that meant more than one file location for many of the laws. The rationale for this decision was two-fold. First, through cross-indexing, it would be possible to locate each law pertaining to a particular topic even though its major thrust would necessarily result in its placement in another category. Second, it would permit, if it were deemed advisable at a later time, the development of a compilation of all laws concerning juveniles and related to broad topics, such as family, court, education, etc. This, then, could be used for the publication of separate codes for these areas of concern. A list of the sections of the law that involved such multiple use was compiled and formulated. This will be found as Appendix A.

During the process of developing the card file, using section titles and section numbers, the researcher was unable to file by section titles. The section titles as they appear in the Code of Iowa are seldom descriptive. It therefore became the task to extend or change the titles so they were descriptive and meaningful for index purposes. One final step was the inclusion of cross reference cards to complete the index as a usable tool for references. This index was then compiled and is presented in its entirety as Appendix B.

The second purpose of this study was to identify contradictions and/or confusions of terms. To accomplish this, comparison of specific laws within each chapter of the 1973 Code of Iowa and specific laws between chapters by use of the index was developed. That portion of the study was developed under the following headings:

1. Inconsistencies in terminology including age.
2. Contradictions in the law.

The results of this portion of the study are specifically described in Chapter IV of this research.

The final purpose of this research was to identify the apparent inadequacies in the juvenile laws of Iowa. Inadequacies were determined by a study of the laws to determine both what inadequacies appeared in the law and what inadequacies existed because there was no law. Inadequacies that exist within the law are cited specifically in Chapter

IV and are listed as:

1. Antiquated Laws.
2. Duplication of Laws.
3. Discrimination by Laws.
4. Inconsistencies in Design.

Inadequacies that exist because there are no specific laws are cited in Chapter IV and are listed as Gaps in the Law.

Based on the existing laws of Iowa pertaining to juveniles, and on the review of literature, recommendations and suggestions concerning the possible procedures for improving these laws are set forth in Chapter V.

CHAPTER IV

PRESENTATION OF DATA

INTRODUCTION

The 1973 Code of Iowa contains the total laws of the state, including those adopted by the First General Assembly in 1846 that have not been either deleted or altered. The 1973 Code of Iowa is a compilation of laws enacted by the General Assemblies up to and including the Sixty-Fourth General Assembly in 1972. These laws are bound in two volumes containing 795 chapters and a total of 3476 pages.

The juvenile laws are found in 583 sections of 97 different chapters. These laws are scattered from Chapter 35 through Chapter 761. These laws have been compiled and a listing in numerical order of the chapter and section numbers are found in Appendix C.

Common topics are not always to be found in a single location. For example, sections pertaining to education are included in Chapters 98, 232, 253, 261, 170, 279, 280, 280A, 281, 282, 285, 287, 288, 289, 299, and 321.

There appears to be no consistent design for the formulation of laws. Some sections include the law itself, the exceptions to the law, and the penalties for the violation of the law. In other cases the law, the exceptions and the

penalties are all separate sections and as such may be contradictory.

The juvenile laws are not always separate sections but rather may be included in sections pertaining primarily to adults. There are sections of the law that have many subsections or paragraphs but with only one paragraph applicable to juveniles. An example is seen in Chapter 123, Section 3, paragraph 33, which defines the legal age as nineteen years of age or more. This is the only portion of this section which relates in any way directly to juveniles.

(Note: Legal age has been subsequently reduced to eighteen.)

There is no single definition for juveniles, which creates voids, overlapping, and contradictions of laws. Each chapter basically establishes its own definitions and those referring to age differ from one chapter to another and sometimes differ within a chapter.

The chapter titles and section titles are deceiving in that the titles may not be descriptive of the contents. To illustrate, chapter 232, entitled Neglected Dependent and Delinquent Children, refers to juvenile court. Section 8 of chapter 232 is entitled Personal Service. The reader should be able to conclude from the chapter title and section title the subject would be personal service of neglected dependent and delinquent children. This is not so. The subject is the personal service of a summons to appear before the juvenile court. This is an example of incongruity of

chapter and section titles with the content throughout the Code of Iowa.

The analysis of the juvenile laws of Iowa is presented in the following order:

- A. Laws concerning juveniles which pertain to more than one topic.
- B. The index of juvenile laws of Iowa
- C. Inconsistencies in terminology.
- D. Contradictions in the law.
- E. Inadequacies in the law.
 - 1. Antiquated laws.
 - 2. Duplication of laws.
 - 3. Discrimination by law.
 - 4. Inconsistencies in design.
- F. Gaps in the law.

LAWS CONCERNING JUVENILES WHICH PERTAIN TO
MORE THAN ONE TOPIC

The process and rationale for the utilization of sections of the law in more than one file location was covered in Chapter III. Appendix A contains those sections of the law deemed to be multiple purpose laws.

There are 198 sections of the law from 54 chapters listed numerically in Appendix A that have been used two or more times for indexing purposes. Since there are 583 sections of the code from 97 chapters designated as laws

pertaining to juveniles, the 198 sections appearing more than one time in the index represents 34 percent of the total number of sections and the 54 chapters in which the 198 multiple purpose sections occur represent 56 percent of the total number of chapters in which juvenile laws appear.

The exact title of a specific section of the code was not necessarily used because they were often not descriptive, making indexing by exact title impossible. The section titles were changed when necessary to make them descriptive. An example of this is Section 4 of Chapter 98 listed on the first page of Appendix A. The actual section title as it appears in the Code of Iowa is, Minors Required to Give Information. The title was made descriptive by including the subject content of the specific law which then appears as Information Required of Minors as to Source of Cigarettes.

Cross-indexing made it possible to pull together all the laws pertaining to one broad topic. It was this cross-indexing that enabled the analysis of the juvenile laws to be made.

THE INDEX OF JUVENILE LAWS OF IOWA

The index, as developed in this study, is seen in Appendix B and includes the twenty-four major topics as outlined in Chapter III. These major topics appear in the alphabetical listing and are typed in capital letters.

The cross-references which were developed as a result

of initial processing were used in the structuring of this index. This makes it possible for any interested individual to identify those portions of the Code of Iowa which pertain to any topic related to juveniles. Facilitating this process is the fact that descriptive titles have been used to identify these laws.

INCONSISTENCIES IN TERMINOLOGY

Inconsistencies in the Code of Iowa regarding terms used synonymously with juveniles is the most common basis for the confusions and contradictions in the laws relating to juveniles. Adults are defined as persons nineteen years of age or older. However, full age is defined as arriving at the age of nineteen years or having married. This is evidenced in Exhibit A.

In order to be consistent, one or the other of these definitions should prevail in all cases. As it is, under one set of laws a person is an adult only on the basis of age attained, while under another set of laws, adulthood can also be attained by marrying.

EXHIBIT A

DEFINITIONS

When used in this chapter, unless the context otherwise requires: . . .

"Adult" means a person nineteen years of age or older . . . (232.2(5) p. 1021).

DEFINITIONS AND USE OF TERMS

When used in this Code, unless otherwise required by the context, the following words and phrases shall be construed as follows: . . .

Full age--the state of legal majority attained through arriving at the age of nineteen years or through having married, even though such marriage is terminated by divorce . . . (633.3(18), p. 3064-3065).

A juvenile eighteen years of age may donate blood without parental permission and is considered a qualified voter upon reaching age eighteen. A juvenile may also be employed in the sale or serving of alcohol if he be eighteen and if more than fifty percent of the employer's business constitutes the serving of food. Similarly, for purposes of admission to juvenile homes, such may be granted only to those under eighteen years of age. The specific laws are illustrated in Exhibit B. These laws in Exhibit B do not provide for the provision in Exhibit A of attaining "full age" by marriage. These laws appear to contradict the concept of reaching adulthood at age nineteen. Certainly, voting age has historically been considered the age of adulthood.

EXHIBIT B

DONATING BLOOD

Any person eighteen years of age or older may donate blood to any voluntary and noncompensatory blood program without obtaining parental permission. (599.6, p. 2911).

ADMISSIONS

Juvenile home admissions shall be granted resident children of the state under eighteen years of age, as follows, giving preference in the order named:

1. Destitute Children, and orphans unable to care for themselves, of soldiers, sailors or marines.
2. Neglected, dependent, or delinquent children committed thereto by the juvenile court.
3. Other destitute Children. (244.3, p. 1062).

VOTER QUALIFICATIONS

Voter qualifications as contained in this chapter are:

1. Every citizen of the United States of the age of eighteen years of age or older is presumed to have a residence some place in the United States for the purpose of voting for president and vice-president of the United States.
2. Every citizen of the United States of the age of eighteen years or older who shall have been a resident of this state for thirty days next preceding the election shall be entitled to vote, subject to the provisions of Chapter 48, if applicable, and Chapter 49, at all elections which may now or hereafter be authorized by law.
3. Every qualified voter of the state of the age of eighteen years or older shall have only one voting residence some place in this state or any other state for the purposes of voting in any given election.
4. A person's residence, for voting purposes only, is the place which he maintains as* his home with the intent to remain there permanently or for a definite or an indefinite or undeterminable length of time.

EXHIBIT B (Continued)

If a person who meets the above requirements moves to a new residence, within or without the state, and does not meet the voter residency requirements at his new residence, he may vote at his former place of residence in Iowa until he meets the voter residency requirements of his new residence. (47.4, p. 222).

MISCELLANEOUS PROHIBITIONS

Any person under legal age shall not be employed in the sale or serving of alcoholic liquor or beer for consumption on the premises where sold unless the person shall be at least eighteen years old and the business of selling food or other services constitutes more than fifty percent of the gross business transacted therein and then only for the purpose of serving or clearing alcoholic beverages or beer, as an incident to a meal . . . (123.49, p. 614-615).

DEFINITIONS

As used in this chapter, unless the context otherwise requires: . . .

"Legal age" means nineteen years of age or more . . . (123.3, p. 602).

The term "child" is used throughout the Code of Iowa. In some chapters, child is defined in terms of particular ages, while in other chapters it is left undefined. In still other chapters, the definition of "child" is referred to as given in another chapter. Finally, by the addition of adjectives, such as "dependent," the age definition for "child" may be markedly changed.

EXHIBIT C

DEFINITIONS

When used in this chapter, unless the context clearly indicates otherwise: . . .

"Child" means any person under the age of eighteen years . . . (235A.2, p. 1036).

DEFINITIONS

When used in this chapter, unless the context otherwise requires: . . .

"Child" means a person less than eighteen years of age . . . (232.2, p. 1021).

DEFINITIONS

As used in this chapter: . . .

"Child" means a person less than eighteen years of age or a person who is at least eighteen years of age but less than twenty-one years of age who is regularly attending an approved school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational or technical training either as a part of a regular school program or under special arrangements adapting to the individual person's needs . . . (234.1, p. 1031).

DEFINITIONS

. . . "Child" is used in this chapter and chapters 236, 237, and 238 as said terms are defined in section 234.1 . . . (235.1, p. 1034).

DEFINITIONS

As used in this chapter: . . .

A "dependent child" means a needy child under the age of sixteen years, or under the age of twenty years and a student regularly attending a high school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational or technical training designed to fit him for gainful employment, who has been deprived of parental support and care by reason of death, continued absence from home, or physical or mental incapacity or unfitness of either parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt, in a place of residence maintained by one

EXHIBIT C (Continued)

or more of such relatives as his or their home or has been placed in a licensed foster home or with a public or nonprofit child-care agency by the state division or by the county department of social welfare in lieu of living with any relative designated in this subsection . . . (239.1, p. 1048).

"Minor" is another term defined differently in various places in the code and is sometimes used synonymously with "child." Since neither of the two terms have been given one definition and since they are often used synonymously, this adds to the total confusion of juvenile laws. Exhibit D illustrates two definitions for "minor." These differences make interpreting the laws a complex process. This complexity is compounded when "minor" is used synonymously with "child" and its definitions as seen in Exhibit C.

EXHIBIT D

DEFINITIONS

When used in this chapter, unless the context otherwise requires: . . .

"Minor" means a person less than nineteen years of age or a person who is at least nineteen years of age but less than twenty-one years of age who is regularly attending an approved school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocational or technical training either as a part of a regular school program or under special arrangements adapted to the individual person's needs . . . (232.2, p. 1021).

EXHIBIT D (Continued)

DEFINITIONS

In this chapter, unless the context otherwise requires: . . .

A "minor" is a person who has not attained the age of twenty-one years . . . (565A.1, p. 2852-2853).

Exhibit E contains sections of the code which pertain to juvenile courts and training schools. Chapter 232 states in effect that all juveniles under eighteen years of age, appearing in any court, shall be transferred to the juvenile court. Chapter 242 implies that a juvenile may be found guilty in the district court and does not have to be transferred to the juvenile court.

Chapters 232 and 242 both relate that a juvenile's commitment to a training school shall not extend beyond attaining the age of nineteen. These two chapters also state that juveniles under eighteen years of age may be sent to the state training schools.

Exhibit A defines an adult as being a person nineteen years of age or older. Those individuals who are eighteen years of age appear to have neither the rights of adults nor juveniles.

EXHIBIT E

JUVENILES TRANSFERRED--EXCEPTIONS

All Juveniles appearing in any court other than the juvenile court and charged with a public offense not exempted by law and who are under eighteen years of age or who were under eighteen years of age at the time of the commission of the alleged offense shall immediately be transferred to the juvenile court of the county. (232.64, p. 1029).

CONVICTION FOR CRIME

When a boy or girl over twelve and under eighteen years of age, of sound mind, is found guilty in the district court of any crime except murder, the court may order the child sent to the state training school for boys, or for girls, as the case may be. (242.6, p. 1061).

ORDERS CONTINUE TO MAJORITY OF CHILD

All orders for supervision, custody, or commitment shall be enforced until the minor reaches the age of nineteen years unless otherwise specified by the court. All orders shall be reviewed by the court at least annually unless the court's jurisdiction has been terminated. The court may make on its own motion or on the motion of an interested party and after notice to the parties and a hearing some other disposition of the case so long as the court retains jurisdiction. (23.36, p. 1026).

ARTICLES OF AGREEMENT

Children of such training schools shall be so placed under articles of agreement, approved by the state director and signed by the person or persons taking them and by the superintendent. Said articles shall provide for the custody, care, education, maintenance, and earnings of said children for a time to be fixed in said articles, which shall not extend beyond the time when the persons bound shall attain the age of nineteen years. (242.8, p. 1061).

BINDING OUT OR DISCHARGE

The binding out or the discharge of an inmate as reformed, or having arrived at the age of nineteen years, shall be a complete release from all penalties incurred by the conviction for the offense upon which the child was committed to the school. (242.13, p. 1061).

It can be seen from the preceeding examples that inconsistencies occur principally in terms of age. This contributes to the contradictions which occur in juvenile laws which are reviewed in the next section.

CONTRADICTIONS OF THE LAWS

The juvenile laws of Iowa are so written, without a specific definition of juveniles and without a specific format, that contradictions occur. These contradictions occur within a specific law, among the various sections of a chapter, and between chapters.

Exhibit F is an example of a section of the code where a contradiction occurs within a specific section of the code. Chapter 232, shown in Exhibit C, defines a "child" as being less than eighteen years of age and a "minor" as being less than nineteen years of age. Section 3 of this same chapter, seen as Exhibit F, then uses the term child and minor synonymously. The reader can thus become totally confused and the specific law becomes contradictory when the definition is used in place of the term.

EXHIBIT F

INFORMATION-INVESTIGATION-PETITION

Whenever the court or any of its officers are informed by any competent person that a minor is within the purview of this chapter, an inquiry shall be made of the facts presented which bring the minor under this chapter to determine whether

EXHIBIT F (Continued)

the interests of the public or of the minor require that further action be taken. After such an inquiry the judge, probation officer, or county attorney may authorize the filing of a petition with the clerk of the court by any informed person without payment of a filing fee. If the facts pleaded are admitted by the minor and consent is obtained from the parents, or guardian of the minor, the court may make whatever informal adjustment is practical without holding a formal hearing. Efforts to affect informal adjustment may be continued not longer than three months without review by the judge.

The petition and subsequent court documents shall be entitled "In the interest of, a child." The petition shall be verified and any statements may be made upon information and belief. The petition shall set forth plainly:

1. The facts which bring the child within the purview of this chapter.
2. The name, age, and residence of the child.
3. The names and residences of the parents of the child.
4. The name and residence of the legal guardian of the child if there be one, of the person or persons having custody or control of the child, or of the nearest known relative of the child if no parent or guardian can be found.

If any of the facts herein required are not known by the petitioner the petition shall so state.

Complaint with reference to more than one child may be embraced in one court of the petition subject to being later divided or separated hearings held on order of the court. (232.3, p. 1022).

Exhibit G illustrates a section of the code which contradicts itself. Paragraph one and two are contradictory while paragraph three is totally confusing in relationship to paragraphs one and two. Since no age restrictions are given in paragraph three, there is no way to determine which

of the previous definitions applies, if either. Another portion of the code (239.1, p. 1048) defines such children as those under sixteen years of age.

EXHIBIT G

AUTHORITY TO AGENCIES

Any institution incorporated under the laws of this state or maintained for the purpose of caring for, placing out for adoption, or otherwise improving the condition of unfortunate children may, under the conditions specified in this chapter and when licensed in accordance with the provisions of this chapter:

1. Receive neglected, dependent, or delinquent children who are under eighteen years of age, under commitment from the juvenile court, and control and dispose of them subject to the provisions of chapter 232.
 2. Receive neglected, dependent and delinquent children under nineteen years of age, under commitment from the juvenile court, and control and dispose of them as in this chapter provided.
 3. Receive, control and dispose of all minor children voluntarily surrendered to such institutions. (238.32, p. 1044).
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The law pertaining to obscenity and indecency, cited in Exhibit H, specifies, ". . . Any person who, as owner, manager, director, or agent, or in any other capacity . . . ,"
and then, in the last sentence, exempts employees. The exemption of employees does not concur with "person . . . in any other capacity."

EXHIBIT H

**OBSCENITY AND INDECENCY-IMMORAL PLAYS, EXHIBITIONS
AND ENTERTAINMENTS**

Any person who, as owner, manager director or agent, or in any other capacity, prepares, advertises, gives, presents, or participates in any obscene, indecent, immoral or impure drama, place, exhibition, show, or entertainment, which would tend to the corruption of the morals of youth or others, and every person aiding or abetting such act and every owner or lessee or manager of any garden, building, room, place, or structure, who leases or lets the same or permits the same to be used for the purposes of any such drama, play, exhibition, show, or entertainment, or who assents to the use of the same for any such purpose, if it be so used, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. This section shall not apply to a motion picture machine operator or any other employee of a licensed motion picture theater with the exception of the manager if such person has no financial interest in the entertainment presented or in the theater or place where he is employed other than wages or salary. (725.3, p. 3255).

Cases were also found where sections of the code contradict other sections of the code within the same chapter. Exhibit I through Exhibit M are examples of this nature.

The compulsory education laws are a series of laws in Chapter 299. Exhibit I includes these laws. This exhibit shows the compulsory education attendance requirement to be between the age of seven and sixteen with a provision for equivalent instruction. The exceptions of completing the

eighth grade or regularly employed over the age of fourteen is cited. The exception of completing the eighth grade is specific while . . . over the age of fourteen is not specific. This could mean fourteen years and one day old or it could mean a child must be fifteen years old to be over fourteen.

A truant then is defined as ". . . Any child over seven and under sixteen years of age . . . who fails to attend school . . ." This could be interpreted as meaning that a child legally able to remain out of school, either because of working or having completed eighth grade, could be deemed a truant.

EXHIBIT I

COMPULSORY EDUCATION-ATTENDANCE REQUIREMENT

Any person having control of any child over seven and under sixteen years of age, in proper physical and mental condition to attend some public school for at least twenty-four consecutive school weeks in each school year, commencing with the first week of school after the first day of September, unless the board of school directors shall determine upon a later date, which date shall not be later than the first Monday in December.

The board may, by resolution, require attendance for the entire time when the schools are in session in any school year.

In lieu of such attendance such child may attend upon equivalent instruction by a certified teacher elsewhere. (299.1, p. 1243-1244).

COMPULSORY EDUCATION-EXCEPTIONS

Section 299.1 shall not apply to any child:

1. Who is over the age of fourteen and is regularly employed.
2. Whose educational qualifications are equal to those of pupils who have completed the eighth grade.

EXHIBIT I (Continued)

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3. Who is excused for sufficient reason by any court of record or judge.
 4. While attending religious services or receiving religious instructions.
 5. Who is attending a private college preparatory school approved or probationally approved under the provisions of section 257.25, subsection 14. (299.2, p. 1244).

COMPULSORY EDUCATION-VIOLATIONS

Any person who shall violate, any of the provisions of section 299.1, to 299.5, inclusive, shall be fined not less than five dollars nor more than twenty dollars for each offense. (299.6, p. 1244)

COMPULSORY EDUCATION-"TRUANT" DEFINED

Any child over seven and under sixteen years of age, in proper physical and mental condition to attend school, who fails to attend school regularly as provided in this chapter, without reasonable excuse for his absence, shall be deemed to be a truant. (299.8, p. 1244).

The guidelines given to the juvenile court by laws are exemplified in Exhibit J. This exhibit contains the laws pertaining to records of juveniles and the reporting of the court. The laws providing these guidelines are totally contradictory and ambiguous.

Records are to be kept separate but they are to be made public. Records are to be confidential unless otherwise ordered by the judge. Legal records of the court shall be a public record. Petitions and reports of proceedings shall not be a public record but the court may make them public. It appears the guidelines given the court are to

do as it pleases, at its discretion.

EXHIBIT J

RECORDS CONFIDENTIAL

All information obtained and social records prepared in the discharge of official duties by an employee of the court shall not be disclosed directly or indirectly to anyone other than the judge or others entitled under this chapter to receive such information unless otherwise ordered by the judge. (232.57, p. 1028).

RECORDS KEPT SEPARATE

Peace officers' records of children except for offenses exempted from this chapter by law shall be kept separate from the records of persons eighteen years of age or older. These records shall be public records. (232.56, p. 1028).

LEGAL RECORD NOT CONFIDENTIAL

The legal record of the juvenile court shall be a public record, and shall include the petition, information or indictment, notices, orders, decrees, and judgment. (232.54, p. 1028).

PETITIONS AND REPORTS SEGREGATED

The proceedings concerning delinquency petitions filed by parents and petitions concerning neglected or dependent children; the reports of juvenile court probation officers, social workers, doctors, and psychologists; and the reports of juvenile homes shall not be public records, but the court may make them public in its discretion. (232.55, p. 1038).

Exhibit K is a display of two sections of the code that are contradictory in content and which may create confusion in attempting to interpret the law. Section 73 of Chapter 232 states a child may be transferred to criminal court and tried as an adult. Section 64 of Chapter 232 indicates, however, ". . . all juveniles appearing in any

court other than the juvenile court shall be transferred to the juvenile court. . . ."

EXHIBIT K

JUVENILE TRANSFERRED-EXCEPTIONS

All juveniles appearing in any court other than the juvenile court and charged with a public offense not exempted by law and who are under eighteen years of age or who were under eighteen years of age at the time of the commission of the alleged offense shall immediately be transferred to the juvenile court of the county. (232.64, p. 1029).

INFORMATION OR INDICTMENT

A child referred to juvenile court pursuant to section 232.64, may also be transferred to criminal court and tried as an adult by the filing of a county attorney's information or grand jury indictment charging the child with an indictable offense. No such county attorney's information, grand jury indictment, or information shall be filed or valid to affect such transfer after there had been an adjudication of delinquency in juvenile court. (232.73, p. 1030).

Exhibit L contains those sections of the code providing for admission to and exclusion from training schools. Section 8 of Chapter 242 states the maximum age ". . . shall not extend beyond the time when the person shall attain the age of nineteen years. . . ." Section 6 of the same chapter states that the court may order a child sent to the training school ". . . When a boy or girl over twelve and under eighteen years of age . . . is found guilty. . . ." These two sections are either contradictory or there is a gap for the individual who is eighteen years of age.

EXHIBIT L

CONVICTION FOR CRIME-TRAINING SCHOOLS

When a boy or girl over twelve and under eighteen years of age, of sound mind, is found guilty in the district court of any crime except murder, the court may order the child sent to the state training school for boys, or for girls, as the case may be. (242.6, p. 1061).

ARTICLES OF AGREEMENT-TRAINING SCHOOLS

Such children shall be so placed under articles of agreement, approved by the state director and signed by the person or persons taking them and by the superintendent. Said articles shall provide for the custody, care, educations, maintenance, and earnings of said children for a time to be fixed in said articles, which shall not extend beyond the time when the person bound shall attain the age of nineteen years. (242.8, p. 1061).

The sections of the code in Exhibit M pertain to licensing for school bus drivers. Section 177 of Chapter 321 state that licenses shall not be issued ". . . to any person, as a chauffeur, who is under the age of eighteen years. . . ." Section 179 of Chapter 321 limits chauffeurs licenses to age nineteen except to drive a school bus. Section 375 then specifies the minimum age for bus drivers ". . . shall be sixteen years. . . ." These laws are contradictory in nature, and confusion is increased because there are 198 intervening sections between these portions of the code pertaining to the same topic.

EXHIBIT M

PERSONS NOT TO BE LICENSED

The department shall not issue any license hereunder:

1. To any person, as an operator, who is under the age of sixteen years, provided that, effective August 1, 1966, the department shall not issue a license to any person, as an operator, who is under the age of seventeen years and effective August 1, 1967, the department shall not issue a license to any person, as an operator, who is under the age of eighteen years, without his first having successfully completed an approved driver education course, in which case, the minimum age shall be sixteen years. However, the department may issue a restricted license as provided in section 321.194, or an instruction permit as provided in section 321.180, to any person who is at least fourteen years of age.

2. To any person, as a chauffeur, who is under the age of eighteen years. (Referred to in 321.376).

3. To any person, as an operator or chauffeur whose license or driving privilege, has been revoked, until the expiration of one year after such revocation.

4. To any person, as an operator or chauffeur, who is a chronic alcoholic, or is addicted to the use of narcotic drugs.

5. To any person, as an operator or chauffeur, who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competence by the methods provided by law. Provided, however, that the department may issue such license when said mentally-ill is placed on parole or convalescent leave, when advised in writing that the medical staff and superintendent of the institution in which the person has been hospitalized recommend the issuance of said license.

6. To any person, as an operator or chauffeur, who is required by this chapter to take an examination unless such person shall have successfully passed such examination.

EXHIBIT M (Continued)

7. To any person when the commissioner has good cause to believe that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways. (321.177, p. 1375).

SPECIAL RESTRICTION ON CHAUFFEURS

No person who is under the age of nineteen years shall drive any motor vehicle while in use as a carrier of flammables or combustibles or as a public or common carrier of persons, except a school bus. (321.179, p. 1376).

DRIVERS

The drivers of school buses must: (1) be at least eighteen years of age, unless such person has successfully completed an approved driver education course, in which case, the minimum age shall be sixteen years, (2) be physically and mentally competent, (3) not possess personal or moral habits which would be detrimental to the best interest of safety and welfare of the children transported, (4) have an annual physical examination and meet all established requirements for physical fitness.

Use of alcoholic beverages or immoral conduct on the part of the driver shall automatically cancel his contract and his re-employment for the balance of the year is hereby prohibited. (321.375, p. 1405).

Existing within the Code of Iowa are chapters which contain laws that contradict laws in other chapters. Examples of these contradictions are cited in Exhibits N and O.

Exhibit N includes those sections of the law pertaining to desertion and to neglected children. Section 1 of Chapter 731 indicates that any person is responsible for the

willful neglect of his children . . . under the age of sixteen years. . . . Wanton neglect is defined in Section 1 of Chapter 731A to include children . . . under the age of eighteen years. . . . Section 1 of Chapter 239 defines a dependent child as being . . . under the age of sixteen years, or under the age of twenty years. . . . It appears a deserted child has no protection when he exceeds the age of sixteen while a neglected child has protection until he reaches the age of eighteen. A dependent child on the other hand may be needy until age twenty. These sections of Exhibit N are contradictory and confusing.

EXHIBIT N

"DESERTION" DEFINED

Every person who shall without good cause, willfully neglect or refuse to maintain or provide for his wife, she being in a destitute condition, or who shall, without good cause, abandon his or her legitimate or legally adopted child or children under the age of sixteen years, leaving such child or children in a destitute condition or shall, without good cause willfully neglect or refuse to provide for such child or children they being in a destitute condition, shall be deemed guilty of desertion and upon conviction shall be punished by imprisonment in the penitentiary for not more than one year, or by imprisonment in the county jail for not more than six months. (731.1, p. 3261).

WANTON NEGLECT UNLAWFUL

Wanton neglect on the part of a parent in the care or supervision of his or her child under the age of eighteen years shall be unlawful. (731A.1, p. 3261).

EXHIBIT N (Continued)

DEFINITIONS-AID TO DEPENDENT CHILDREN

As used in this chapter:

1. "Division" or "State Division" means the division of child and family services of the department of social services; "director" or "state director" means the director of the division of child and family services of the department of social services.

2. "County board" means the county board of social welfare provided for in section 234.9.

3. A "dependent child" means a needy child under the age of sixteen years, or under the age of twenty years and a student regularly attending a high school in pursuance of a course of study leading to a high school diploma or its equivalent, or regularly attending a course of vocation or technical training designed to fit him for gainful employment, who has been deprived of parental support and care by reason of death, continued absence from home, or physical or incapacity or unfitness of either parent and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, uncle or aunt, in a place of residence maintained by one or more of such relatives at his or their home or has been placed in a licensed foster home or with a public or nonprofit child-care agency by the state division or by the county department of social welfare in lieu of living with any relative designated in the subsection . . . (239.1, p. 1048).

Exhibit O includes sections of the laws specifying that minors attain the age of majority at age nineteen or by marriage. Exhibit B, however, included laws allowing only minors of eighteen years of age to volunteer blood, persons only nineteen years of age the right to drink alcoholic

beverages, and specified the minimum voting age to be eighteen. No allowances are made in Exhibit B for married juveniles for these privileges. Thus, marriage appears to force the responsibilities of adulthood onto a person under the age of nineteen without providing for the same individual the full rights and privileges of adulthood.

EXHIBIT O

PERIOD OF MINORITY

The period of minority extends to the age of nineteen years, but all minors attain their majority by marriage. (599.1, p. 2910).

PROBATE CODE-DEFINITIONS AND USE OF TERMS

When used in this Code, unless otherwise required by the context, the following words and phrases shall be construed as follows: . . .

5. Child - includes an adopted child but does not include a grandchild or other more remote descendants, nor, except as provided in sections 633.221 and 633.222, an illegitimate child.

18. Full age - the state of legal majority attained through arriving at the age of nineteen years or through having married, even though such marriage is terminated by divorce.

27. Minor - a person who is not of full age. (633.3, p. 3064-3065).

It can be seen from Exhibits F through O that contradictions of the law occur within laws and between laws. These contradictions added to the antiquated laws, covered in the next section, compounds the problems of inadequacies.

INADEQUACIES IN THE LAW

Antiquated Laws

The juvenile laws of Iowa have never been reviewed in a total perspective. Many of these laws originated from bureaucratic departmental recommendations. Many others are the result of revisions of existing laws, such revisions based on the same type of recommendations. In addition, a large number of these laws are the result of initiative on the part of individuals. Over the past 127 years, this varied approach to enacting legislation concerning juveniles has resulted in such laws being scattered across more than ninety-seven chapters of the Code of Iowa.

The confusion attendant to such dispersion has resulted in antiquated laws. Exhibit P is outdated because it is no longer recognized by the Motor Vehicle Department of the State of Iowa.

EXHIBIT P

MINORS' SCHOOL LICENSES

Whenever the necessity therefore is shown, a restricted license may be issued to any person between the ages of fourteen and eighteen years which license shall entitle the holder thereof, while having such license in his immediate possession, to operate a motor vehicle during the hours of 7 A.M. to 6 P.M. over the most direct and accessible route between the licensee's residence and his school of enrollment for the purpose of attending duly scheduled courses of instruction at such school or at any time when accompanied by a parent or guardian who is a holder of a valid operator's or chauffeur's license, and who is actually occupying a seat beside

EXHIBIT P (Continued)

the driver. Such license shall expire on the licensee's eighteenth birthday or upon issuance of a temporary driver's permit. For the purpose of establishing a need for the license provided for in this section, each application shall be accompanied by an affidavit from the school board or superintendent of the applicant's school which affidavit shall be upon a form provided by the department and shall state the facts deemed to justify the issuance of a license to the applicant. Neither such affidavit nor the inability to obtain the same shall be binding on the department but may be considered by the department in its determining of whether or not to grant the application. The fact that the applicant resides at a distance less than one mile from his school shall be prima-facie evidence of the nonexistence of any necessity for the issuance of such a license. A license issued hereunder is subject to suspension or revocation in like manner as any other license or permit issued under any law of this state and in addition thereto the department may suspend such license upon receiving satisfactory evidence that the licensee has violated the restrictions of such license chargeable to such licensee and the department shall revoke any license issued hereunder upon receiving a record of such licensee's conviction for two or more violations of any law of this state or city ordinance, other than parking regulations, regulating the operation of motor vehicles on highways and after revoking a license hereunder the department shall not grant application for any new license or permit until the expiration of one year or until the licensee attains his sixteenth birthday whichever is the longer period. (321.194, p. 1378-1379).

In Exhibit Q, the "children" of World War I and World War II according to the code, would have ceased being "children" as of 1943 and 1966 respectively.

EXHIBIT Q

EXPENDITURE BY BOARD

Said bonus board is authorized to expend not to exceed four hundred dollars per year for any one child who shall have lived in the state of Iowa for two years preceding application for aid hereunder, and who is the child of a man or woman who died during World War I, between the dates of April 6, 1917, and June 2, 1921, or during World War II between the dates of September 16, 1940, and September 2, 1945, both dates inclusive, or the Korean Conflict at any time between June 27, 1950, and July 27, 1953, both dates inclusive, or the Vietnam Conflict at any time between August 5, 1964, and ending on the date the armed forces of the United States are directed by formal order of the government of the United States to cease hostilities, both dates inclusive, while serving in the military or naval forces of the United States, to include members of the reserve components performing service or duties required or authorized under Chapter 39, United States Code and Title 32, United States Code, Sections 502, through 505, inclusive, and active state service required or authorized under Chapter 29A, or as a result of such service, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonable necessary expense for such child or children incident to attendance at any educational or training institution of college grade, or in any business or vocational training school of standards approved by said bonus board, said educational institutions to be located within the state of Iowa.

A child eligible to receive funds under the provisions of this section shall not receive more than two thousand dollars during his lifetime.
(35.9, p. 156).

Shown in Exhibit R is an illustration of a law that may have been meaningful in the 19th century or early 20th century but is no longer practical for present day interpretation. For example, muskets, spinning wheels, looms and

other possessions cited in the law are no longer considered necessary articles in a household.

EXHIBIT R

GENERAL EXEMPTIONS

If the debtor is a resident of this state and the head of a family, he may hold exempt from execution the following property:

1. All wearing apparel of himself and family kept for actual use and suitable to their condition, and the trunks or other receptacles necessary to contain the same.
2. One musket or rifle and shotgun.
3. All private libraries, family Bibles, portraits, pictures, musical instrument, and paintings not kept for the purpose of sale.
4. A seat or pew occupied by the debtor or his family in any house of public 'worship.'
5. An interest in a public or private burying ground, not exceeding one acre for any defendant.
6. Two cows and two calves.
7. Fifty sheep and the wool therefrom and the materials manufactured from such wool.
8. Six stands of bees.
9. Five hogs, and all pigs under six months.
10. The necessary food for all animals exempt from execution for six months.
11. One bedstead and the necessary bedding for every two in the family.
12. All cloth manufactured by the defendant, not exceeding one hundred yards in quantity.
13. Household and kitchen furniture, not exceeding two hundred dollars in value.
14. All spinning wheels and looms.
15. One sewing machine and other instruments of domestic labor kept for actual use.
16. The necessary provisions and fuel for the use of the family for six months.
17. The proper tool, instruments, or books of the debtor, if a farmer, mechanic, surveyor, professional engineer, architect, clergyman, lawyer, physician, dentist, teacher, or professor.

EXHIBIT R (Continued)

18. If the debtor is a physician, public officer, farmer, teamster, or other laborer, a team, consisting of not more than two horses or mules, or two yoke of cattle, and the wagon or other vehicle, with the proper harness or tackle by the use of which he habitually earns his living, otherwise one horse.

19. If a printer, a printing press and the types, furniture, and material necessary for the use of such printing press and a newspaper office connected therewith, not to exceed in all the value of twelve hundred dollars.

20. Poultry to the value of fifty dollars.

21. If the debtor is a resident of this state and is the head of a family, and does not own one or more of the foregoing items of property, his wife, if she is an actual member of the family, and owns one or more of such items, and is the debtor, shall be entitled to hold such items exempt from execution.

22. If the debtor is a resident of this state and a woman other than the head of a family, she may hold exempt from execution one sewing machine, and poultry to the value of fifty dollars. (627.6, p. 3048).

The laws pertaining to minors in billiard halls, illustrated in Exhibit S, is outdated for three reasons. First, the law is rarely, if ever, enforced. Second, the term minor is not defined. Third, the terminology in Section 10 is not clearly stated. The penalty for the violation of Section 9 could be interpreted as meaning the council in any city or town could be a violator.

The concept of "pool" is a commonly accepted family entertainment. Pool tables are socially acceptable and are commonly sold in such retail outlets as Sears and Penneys

department stores.

EXHIBIT S

MINORS IN BILLIARD ROOMS-DUTY OF OWNER

No person who keeps a billiard hall where beer is sold, or the agent, clerk, or servant of any such person, or any person having charge or control of any such hall, shall permit any minor to remain in such hall, or to take part in any of the games known as billiards. The council in any city or town shall have power by ordinance to establish minimum age limits for minors for the purpose of regulating their admittance to billiard halls which do not sell beer and their participation while therein in the games known as pool and billiards. (726.9, p. 3258).

PUNISHMENT

A violation of the provisions of section 726.9 shall be punished by a fine not less than five nor exceeding one hundred dollars, or imprisonment in the county jail not exceeding thirty days. (726.10, p. 3258).

Laws prohibiting the sale or gift of tabacco, as shown in Exhibit T, is outdated because it is not enforced and the activities which this law prohibits have become common practice. This section of the code has not considered the vending machines. The vending machine does not have any restrictions other than adequate money requirements. In addition the penalty for a violation of section 2 could not apply to the vending machine. Most importantly, however, this law does not prohibit smoking by juveniles.

EXHIBIT T

SALE OR GIFT TO CERTAIN MINORS PROHIBITED

No person shall furnish to any minor under eighteen years of age by gift, sale, or otherwise, any cigarette or cigarette paper, or any paper or other substance made or prepared for the purpose of use in making of cigarettes. No person shall directly or indirectly by himself or agent sell, barter, or give to any minor under eighteen years of age any tobacco in any other form whatever except upon the written order of his parent or guardian or the person in whose custody he is. (98.2, p. 473)

VIOLATIONS

Any person who shall violate any of the provisions of section 98.2 shall for the first offense be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days. For a second or any subsequent violation such person shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than one month nor more than six months or by both such fine and imprisonment. (98.3, p. 473).

Those sections of the code referring to obscenity and indecency, illustrated in Exhibit U, are outdated because the types of materials which the law is apparently trying to suppress are in widespread distribution and thus has become common practice in present day society as evidenced in theater advertisements, television programming, and book stores.

In addition, this section of the code uses ambiguous terms open to many interpretations and as such, is totally uninterpretable.

EXHIBIT U

**OBSCENITY AND INDECENCY-OBSCENE BOOKS OR PICTURES,
PRINTING OR DISTRIBUTING**

If any person import, print, publish, sell, or distribute any book, pamphlet, ballad, or any printed or written paper containing obscene language or obscene prints, pictures, or descriptions, manifestly tending to corrupt the morals of youth; or introduce into any family, school, or place of education, or buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed or written paper, picture, or description, either for the purpose of loan, sale, exhibition, or circulation, or with intent to introduce the same into any family, school, or place of education, he shall be imprisoned in the penitentiary not more than one year, or be fined not exceeding one thousand dollars. (725.4, p. 3255-3256).

GIVING OR SHOWING OBSCENE LITERATURE TO MINORS

Whoever sells, lends, gives away, or shows, or has in his possession with intent to sell, give away, or show, to any minor, any book, pamphlet, magazine, newspaper, story paper or other paper devoted to the publication, or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of immoral deeds, lust or crime, or exhibits upon any street or highway or any place within the view, or which may be within the view, of any minor, any of the above described books, papers, or pictures, or uses or employs any minor to give away, sell, or distribute, or who, having the care, custody, or control of any minor, permits him to sell, give away, or distribute, any such books, papers, or pictures, shall be fined not more than five hundred not less than fifty dollars, or be imprisoned not more than six months in the county jail, or both. (725.8, p. 3256).

The preceding laws were shown to be antiquated because they were either outdated or because of changes in social mores. These laws and the laws that are duplications, as cited in the following section, are unnecessarily confusing.

Duplication of Laws

Many laws under the Probate Code, Chapter 633, are unnecessary duplications in varying forms of the laws. Exhibit V is an example of identical laws, the only exception being the code number of the law.

EXHIBIT V

PROBATE CODE, GUARDIANS AND CONSERVATORS-NO
NOTICE REQUIRED, MINOR

No notice of the filing of such petition need be given when the proposed ward is a minor and such petition is filed by the person having custody of the proposed wards. (633.553, p. 3111).

PROBATE CODE, GUARDIANS AND CONSERVATORS-NO
NOTICE REQUIRED, MINOR

No notice of the filing of such petition need be given when the proposed ward is a minor and such petition is filed by the person having custody of the proposed wards. (633.567, p. 3112).

Section 557 and Section 572, shown in Exhibit @, are an illustration of duplicate laws with the exception being that one section relates to guardian and one section relates to conservator. However, since the section titles include both guardian and conservator, both laws are not needed. The contents of the two sections are identical except for the one word (guardian or conservator) and the obvious implication is that a single law incorporating both descriptions would be adequate.

EXHIBIT W

**GUARDIANS AND CONSERVATORS-APPOINTMENT OF
GUARDIAN ON VOLUNTARY PETITION**

A guardian may also be appointed by the court upon the verified petition of the proposed ward, without further notice, if he is other than a minor under the age of fourteen years, provided the court determines that such an appointment will inure to the best interest of the applicant. However, if an involuntary petition is pending, the court shall be governed by section 633.635. (633.557, p. 3111).

**GUARDIANS AND CONSERVATORS-APPOINTMENT OF CONSERVATOR
ON VOLUNTARY PETITION**

A conservator may also be appointed by the court upon the verified petition of the proposed ward, without further notice, if he is other than a minor under the age of fourteen years, provided the court determines that such an appointment will inure to the best interest of the applicant. However, if an involuntary petition is pending, the court shall be governed by section 633.635. (633.572, p. 3112).

Section 559 and Section 571, appearing as Exhibit X, represent additional duplications for guardian and conservators. Like Exhibit W, one section pertains to guardians while a separate section pertains to conservator. The law is redundant since the wording is identical for both situations.

EXHIBIT X

**GUARDIANS AND CONSERVATORS-PREFERENCE AS TO
APPOINTMENT**

The parents of a minor, or either of them if qualified and suitable, shall be preferred over all others for appointment as guardian. Preference shall then be given to any person, if qualified and suitable, nominated as guardian for a minor child by a will executed by the parent having custody of a minor child, and any qualified and

EXHIBIT X (Continued)

suitable person requested by a minor fourteen years of age or older. Subject to these preferences, the court shall appoint as guardian a qualified and suitable person who is willing to serve in that capacity. (633.559, p. 3111).

GUARDIANS AND CONSERVATORS-PREFERENCE AS TO APPOINTMENT OF CONSERVATOR

The parents of a minor, or either of them, if qualified and suitable, shall be preferred over all others for appointment as conservator. Preference shall then be given to any person, if qualified and suitable, nominated as conservator for a minor child by a will executed by the parent having custody of a minor child, and any qualified and suitable person requested by a minor fourteen years of age or older. Subject to these preferences, the court shall appoint as conservator a qualified and suitable person who is willing to serve in that capacity. (633.571, p. 3112).

Section 552, shown in Exhibit Y, is the same law as the one regarding Petition for Appointment for Conservator, with the added exception of paragraph six in the section of Petition for Appointment of a Conservator. The titles of both sections of the law are different only in the use of guardian and conservator. The effect here is to repeat a law unnecessarily simply because a paragraph was added.

EXHIBIT Y

PETITION FOR APPOINTMENT OF GUARDIAN

Any person may file with the clerk a verified petition for the appointment of a guardian. The petition shall state the following information so far as known to the petitioner.

1. The name, age, and post-office address of the proposed ward.

EXHIBIT Y (Continued)

2. That the proposed ward is a minor or is incapable of caring for his own person.

3. The name and post-office address of the proposed guardian, and that such person is qualified to serve in that capacity.

4. That the proposed ward is a resident of the state of Iowa or is present in the state, and that his best interests require the appointment of a guardian in this state.

5. The name and address of the person or institution, if any, having the care, custody or control of the proposed wards. (633.552, p. 3310-3311).

PETITION FOR APPOINTMENT OF CONSERVATOR

Any person may file with the clerk a verified petition for the appointment of a conservator. The petition shall state the following information, so far as known to the petitioner:

1. The name, age and post-office address of the proposed ward.

2. That the proposed ward is a minor or is incapable of managing his property.

3. The name and post-office address of the proposed conservator, and that such person is qualified to serve in that capacity.

4. The estimated present value of the real estate, the estimated value of the personal property, and the estimated gross annual income of the estate. If any money is payable, or to become payable, to the proposed ward by the United States through the veterans administration, the petition shall so state.

5. The name and address of the person or institution, if any, having the care, custody or control of the proposed ward.

6. That the proposed ward resides in the state of Iowa, is a non-resident, or that his residence is unknown, and that his best interests require the appointment of a conservator in the state of Iowa. (633.566, p. 3111-3112).

The laws cited as duplications in the preceding section were found to be exact duplications, duplications with

the exception of one word, or identical except for an added paragraph. The following section contains laws that are discriminatory.

Discrimination by Law

Discrimination in the form of references and implications are built into certain juvenile laws of Iowa.

The law displayed as Exhibit Z is discriminatory in its references: ". . . if any person over the age of twenty-five years carnally knows and abuses any female under the age of seventeen. . . ." discriminates against a person twenty-five years of age or over.

EXHIBIT Z

RAPE-DEFINITION-PUNISHMENT

If any person ravish and carnally know any female by force or against her will, or if any person carnally know and abuse any female child under the age of sixteen years, or if any person over the age of twenty-five years carnally know and abuse any female under the age of seventeen years, he shall be imprisoned in the penitentiary for life, or any term of years, not less than five, and the court may pronounce sentence of a lesser period than the maximum, the provisions of the indeterminate sentence law to the contrary notwithstanding. (698.1, p. 3220).

Section 1 of Chapter 731, designated as Exhibit AA is discriminatory in that it specifies that the wife must be in "a destitute condition" for the husband to be deemed guilty of desertion and that the child or children must be "in a

destitute condition" for the father to be deemed guilty of desertion. It implies that only the husband and/or father shall be deemed guilty of desertion. This is discrimination by sex.

EXHIBIT AA

"DESERTION" DEFINED

Every person who shall without good cause, willfully neglect or refuse to maintain or provide for his wife, she being in a destitute condition, or who shall, without good cause, abandon his or her legitimate or legally adopted child or children under the age of sixteen years, leaving such child or children in a destitute condition, or shall, without good cause willfully neglect or refuse to provide for such child or children they being in a destitute condition, shall be deemed guilty of desertion and upon conviction shall be punished by imprisonment in the penitentiary for not more than one year, or by imprisonment in the county jail for not more than six months. (731.1, p. 3261).

The law pertaining to a "tramp," illustrated in Exhibit BB, discriminates by sex in that it includes only male persons.

EXHIBIT BB

VAGRANCY-"TRAMP" DEFINED

Any male person sixteen years of age or over, physically able to perform manual labor, who is wandering about, practicing common begging, or having no visible calling or business to maintain himself, and is unable to show reasonable efforts in good faith to secure employment, is a tramp, and any person convicted of being a tramp shall be punished by imprisonment at hard labor in the county jail not

EXHIBIT BB (Continued)

exceeding ten days, or by imprisonment in such jail in solitary confinement not exceeding five days. (746.2, p. 3282).

Section 2 of Chapter 595, appearing as Exhibit CC, is discriminatory against males in that it states in the first paragraph ". . . A marriage between a male of eighteen and a female of sixteen years of age is valid. . .", thus giving rights to females sixteen and seventeen years old while denying these to males of the same age.

EXHIBIT CC

AGE-MARRIAGE

A marriage between a male of eighteen and a female of sixteen years of age is valid; but if either party has not attained the age thus fixed, the marriage will be a nullity or not, at the option of such party, made known at any time before he or she is six months older than the age thus fixed.

Notwithstanding the foregoing, the district court may, when application is made by parties, one or both of whom are under the age thus fixed and the female of whom is pregnant or, having given birth to, is still in custody of a child, grant an order authorizing issuance of a marriage license by the clerk of the district court to said applicants and the marriage under such license shall be valid. The records of the court which pertain to such condition of pregnancy shall be sealed and available only to the contracting parties or to any interested party securing an order of court. (595.2, p. 2900).

Section 4 of Chapter 245, shown in Exhibit DD, pertaining to female commitments generally, is discriminatory

when it states: ". . . All females over eighteen years of age and married females under eighteen years of age, who are convicted. . . ." This discriminates against married females under eighteen years of age. This is supported by Section 5 since unmarried females under eighteen years of age may be committed to the training school for girls even under a possible sentence of life imprisonment.

EXHIBIT DD

COMMITMENTS GENERALLY

All females over eighteen years of age, and married females under eighteen years of age, who are convicted in the district court of offenses punishable by imprisonment in excess of thirty days, shall, if imprisonment be imposed, be committed to the women's reformatory. (245.4, p. 1064).

OPTIONAL COMMITMENTS FOR LIFE

Any unmarried female over ten and under eighteen years of age convicted of an offense punishable by life imprisonment may be committed either to the Iowa training school for girls or to the women's reformatory. (245.5, p. 1064).

Section 178 of Chapter 321, contained in Exhibit EE, discriminates against persons attending public or private schools offering an approved driver's education course.

EXHIBIT EE

DRIVER EDUCATION

Youths not attending school--no driver's training required.

Any person under the age of eighteen who is not attending a public or private school in which an approved driver's education course is offered or available, shall not be required to complete an approved driver's education course prior to being entitled to receive a one-year probationary operator's license from the department of public safety.

Any person who re-enters any private or public school prior to age eighteen shall be required to attend an approved driver's education course. (321.178, p. 1375).

The law found in Exhibit FF regarding Special Restriction on Chauffeurs, contains a discriminatory implication against age by allowing sixteen year old minors to drive school buses while prohibiting them from driving motor vehicles which are used as common carriers. If, however, the intent of the law was to provide older more mature drivers of common carriers for safety reasons, then that same safety concern was not provided for children who ride school buses.

EXHIBIT FF

SPECIAL RESTRICTION ON CHAUFFEURS

No person who is under the age of nineteen years shall drive any motor vehicle while in use as a carrier of flammables or combustibles or as a public or common carrier of persons, except a school bus. (321.179, p. 1376).

EXHIBIT FF (Continued)

DRIVERS

The drivers of school buses must: (1) be at least eighteen years of age, unless such person has successfully completed an approved driver education course, in which case, the minimum age shall be sixteen years, (2) be physically and mentally competent, (3) not possess personal or moral habits which would be detrimental to the best interests of safety and welfare of the children transported, (4) have an annual physical examination and meet all established requirements for physical fitness.

Use of alcoholic beverages or immoral conduct on the part of the driver shall automatically cancel his contract and his re-employment for the balance of the year is hereby prohibited. (321.375, p. 1404).

Section 2 of the law shown in Exhibit GG defines felony as a public offense when it is committed by a male.

Section 3, however, is so worded that a female can only be prosecuted for a public offense as a felony if it can also be deemed a felony when committed by a male.

EXHIBIT GG

PUBLIC OFFENSES - "FELONY" DEFINED

A felony is a public offense which is, or in the discretion of the court may be, punished by imprisonment in the penitentiary or men's reformatory. (687.2, p. 3209).

PUBLIC OFFENSES - FELONIES BY FEMALES

Prostitution and resorting to houses of ill fame for the purpose of prostitution shall be deemed felonies, and also all other public offenses committed by females if the offense, under section 687.2 constitutes a felony when committed by a male. (687.3, p. 3209).

Thus it can be seen that discrimination occurs in the law on the basis of age, sex and marital status.

Inconsistencies in Design

The juvenile laws taken from the Code of Iowa do not have a specific design. Some include the law itself, the exceptions to the law, the penalty for violations and are clear and precise. Other laws have separate sections for the exceptions and the violations. In other words, there is inconsistency in the formulation of laws.

The law shown in Exhibit HH is an example in which the law is defined, the sentence to be imposed and the fine to be administered. All are written within the law itself.

EXHIBIT HH

ADMINISTRATION OF DRUGS-USE OF INSTRUMENTS

If any person with intent to produce the miscarriage of any woman, willfully administer to her any drug or substance whatever, or with such intent, use any instrument or other means whatever, unless such miscarriage shall be necessary to save her life, he shall be imprisoned in the penitentiary for a term not exceeding five years, and be fined in a sum not exceeding one thousand dollars. (701.1, p. 3221).

Section 2, shown in Exhibit II, is an illustration which states only the law but makes no mention of the violation or the fine to be imposed. The violation provided for in Chapter 98, Section 3, is written as a separate segment of the Code of Iowa rather than being incorporated into the

law itself.

EXHIBIT II

SALE OR GIFT TO CERTAIN MINORS PROHIBITED

No person shall furnish to any minor under eighteen years of age by gift, or otherwise, any cigarette or cigarette paper, or any paper or other substance made or prepared for the purpose of use in making of cigarettes. No person shall directly or indirectly by himself or agent sell, barter, or give to any minor under eighteen years of age any tobacco in any other form whatever except upon the written order of his parent or guardian or the person in whose custody he is. (98.2, p. 473).

VIOLATION

Any person who shall violate any of the provisions of section 98.2 shall for the first offense be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days. For a second or any subsequent violation, such person shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the county jail for not less than one month nor more than six months or by both such fine and imprisonment. (98.3, p. 473).

Laws are found in one section of the code, the violations in still another part and the penalties as a separate section. There is no consistency in the manner in which these laws are written. One finds a violation in one part of the section and a penalty in another. Such laws are cited in Exhibit JJ.

EXHIBIT JJ

CIGARETTES AND TOBACCO-MINORS REQUIRED TO GIVE INFORMATION

Any minor under eighteen years of age in any place other than at the home of his parent or parents, being in the possession of a cigarette or cigarette papers, shall be required at the request of any peace officer, juvenile court officer, truant officer, or teacher in any school to give information as to where he or she obtained such articles (98.4, p. 473).

VIOLATION-CIGARETTES AND TOBACCO

Any minor under eighteen years of age refusing to give information as required by section 98.4 shall be guilty of a misdemeanor. Said minor shall be certified by the magistrate before whom the case is tried to the juvenile court of the county for such action as said court shall deem proper.

If any minor having been convicted of violating section 98.4 shall give information which shall lead to the arrest of the person or persons having violated any of the provisions of section 98.2 and shall give evidence as a witness in any proceedings that may be prosecuted against said person or persons, the court in its discretion may suspend sentence against the offending minor. (98.5, p. 473).

Section 40 of Chapter 98 is a law stating what cannot be done, but no statement of penalty or fine to be levied is given. This is included in a separate law. These laws are shown as Exhibit KK.

EXHIBIT KK

ADVERTISEMENT NEAR PUBLIC SCHOOLS

No bills, pictures, posters, placards or other matter used to advertise the sale of tobacco in any form shall be distributed, posted, painted, or maintained within four hundred feet of premises occupied by a public school or used for school purposes. This provision shall not

EXHIBIT KK (Continued)

apply to advertisement in newspapers regularly published and distributed to subscribers and purchasers as such. (98.40, p. 482).

PENALTY

Any person violating any of the provisions of section 98.40 shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding thirty days. (98.41, p. 482).

Laws relating to minors selling and delivering poisons are illustrated in Exhibit LL. The penalty or fine to be levied, if the law is broken, is provided for in an additional law. The actual penalty or fine which is possible is incorporated in yet another law.

EXHIBIT LL

PROHIBITED SALES-SALE OF POISONS

It shall be unlawful for any person in this state to sell or deliver any poison to any person known to be of unsound mind or under the influence of intoxicants, and it shall likewise be unlawful for any person in this state to sell or deliver any poison enumerated in section 205.5 to any minor under sixteen years of age except upon a written order signed by some responsible person known to the person selling or delivering the same, which said written order shall contain all of the information required to be entered in the poison register under the provisions of section 205.6 (205.9, p. 922).

FALSE REPRESENTATIONS-SALE OF POISONS

Any person who obtains any poison enumerated in section 205.5 under false name or statement shall be guilty of a misdemeanor and punished as provided in chapter 198. (205.10, p. 922.).

Exhibit MM contains a law which encompasses five areas. The penalty for any of these violations is not included, nor is the suspension of sentence which relates to it. They are written as separate laws. These laws are also found in Exhibit MM.

EXHIBIT MM

CONTRIBUTING TO DELINQUENCY

It shall be unlawful:

1. To encourage any child under eighteen years of age to commit any act of delinquency defined in chapter 232 of this title.
2. To send, or cause to be sent, any such child to a house of prostitution or to any place where intoxicating liquors are unlawfully sold or unlawfully kept for sale, or to any policy shop, or to any gambling place, or to any public poolroom where beer is sold, or to induce any such child to go to any such places, knowing them to be such.
3. To knowingly encourage, contribute, or in any manner cause such child to violate any law of this state, or any ordinance of any city or town.
4. To knowingly permit, encourage, or cause such child to be guilty of any vicious or immoral conduct.
5. For a parent willfully to fail to support his child under eighteen years of age whom he has a legal obligation to support. (233.1, p. 1030).

PENALTY-BAR

A violation of section 233.1 shall be punishable by a fine of not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment. Said conviction shall not bar a prosecution of such convicted person for an indictable offense when the acts which caused or contributed to the delinquency or dependency of such child are indictable. (233.2, p. 1030).

EXHIBIT MM (Continued)

SUSPENSION OF SENTENCE

Upon said conviction being had, the court may, for a period not exceeding two years, suspend sentence under such conditions as to good behavior as it may prescribe. Should said conditions be fulfilled the court may at any time enter an order setting said conviction aside and wholly releasing the defendant therefrom. Should said condition be not fulfilled to the satisfaction of the court an order of sentence may at any time be entered which shall be effective from the date thereof. (233.3, p. 1030).

The law regarding Wanton Neglect was written in three parts and as three separate laws, one of which declares such action to be unlawful while the other two define it and specify the punishment. These laws are also subject to criticism in that in terms of order, something is declared illegal before it is defined. These laws appear as Exhibit NN.

EXHIBIT NN

WANTON NEGLECT UNLAWFUL

Wanton neglect on the part of a parent in the care or supervision of his or her child under the age of eighteen years shall be unlawful. (731A.1, p. 3261).

DEFINITION

"Wanton neglect" as contemplated by section 731A.1 is willful neglect of such nature, arising under such circumstances as a parent of ordinary intelligence actuated by normal and natural concern for the welfare of the child would not permit or be a party to. (731A.2, p. 3261).

EXHIBIT NN (Continued)

PUNISHMENT

A violation of section 731A.1 shall be punishable of a fine of not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days. (731A.3, p. 3261).

Although the following is not an inconsistency in design, it is an apparent inconsistency which should be noted. The penalties for violations of the code are sometimes not consistent with the relative nature or severity of the violations. A parent could violate the law of compulsory education and be fined ". . . not less than five dollars nor more than twenty. . . ."

Comparatively speaking, an owner of a billiard hall could be fined ". . . not less than five nor exceeding one hundred dollars, or imprisonment. . ." for permitting a minor to remain in a billiard hall where beer is sold or in such an establishment where beer is not sold if the minor is below the age specified by local ordinance.

Wanton neglect by a parent in the care of children is punishable of a fine ". . . not exceeding one hundred dollars or by imprisonment. . . ."

These laws regarding penalties for violations are also typical of incomplete laws. They do not indicate what the penalty is for without first referring to another section.

These are cited in Exhibit 00.

EXHIBIT 00

COMPULSORY EDUCATION - VIOLATIONS

Any person who shall violate, any of the provisions of sections 299.1 to 299.5, inclusive, shall be fined not less than five dollars nor more than twenty dollars for each offense. (299.6, p. 1244).

PUNISHMENT

A violation of the provisions of section 726.9 shall be punished by a fine not less than five nor exceeding one hundred dollars, or imprisonment in the county jail not exceeding thirty days. (726.10, p. 3258).

PUNISHMENT

A violation of section 731A.1 shall be punishable of a fine of not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days. (731A.3, p. 3261).

Inconsistencies are shown in the preceding examples to exist in terms of design and form of various laws.

Gaps in the laws as well as in a lack of laws also occurs and is discussed in the next section.

GAPS IN THE LAWS

Gaps in the juvenile laws also exist in the Code of Iowa. These gaps are treated in two separate manners. First, when a law exists that relates to a particular gap, that section of the code is cited as an exhibit and special reference is made concerning the gap which exists. These gaps are illustrated in Exhibits PP through YY. Eleven sections of the code are displayed in these exhibits. Second, gaps are found

in the code that had no related laws. These gaps then are treated in written form only in that there are no laws to cite. There are eight such areas discussed.

Gaps in the Code Related to Existing Laws

There is no law outlining the precise role of the juvenile officer. This lack of role specification can be seen in the law contained in Exhibit PP.

EXHIBIT PP

PROBATION OFFICERS-SALARIES

The judge designated as judge of the juvenile court in any county, or where there is more than one judge designated such judges acting jointly, may appoint such probation officers as may be necessary to carry out the work of the court. In counties where more than one officer is appointed one of such officers shall be designated as chief probation officer. The salaries of such officers shall be fixed by the judge or judges making the appointments but in no case shall the salary of a chief probation officer exceed seventy percent of the salary of the district court judge nor shall the salary of a deputy probation officer exceed sixty percent of the salary of such judge.

Probation officers may be appointed to serve two or more counties. The salaries of such officers and their deputies, if any, shall be fixed by the judges of the judicial district who are designated juvenile court judges for such counties and such salaries and the expenses of the probation officers shall be prorated among the counties served in such proportion as may be determined by said judges who shall in making such determination, consider the volume of work in the several counties. Such officers may be paid not to exceed sixty percent of the salary of a district court judge.

All probation officers so appointed shall serve at the pleasure of the juvenile court judge or judges and shall be selected and appointed in accordance with such rules, standards, and qualifications as shall be established by the supreme court pursuant

EXHIBIT PP (Continued)

to section 684.21. The provision of this section shall not affect in any way the appointment or term of office of any probation officer presently serving in any county or counties.

Such secretarial and clerical help as may be needed in the administration of any probation office may be appointed by the judge or judges of the juvenile court who may fix their salaries, subject to the approval of the board of supervisors, at not more than forty percent of the salary of a district court judge. (231.8, p. 1013-1014).

There is no law mandating specific training for juvenile court judges and probation officers. This is further complicated by the problem of rotation of assignment of judges to the juvenile court system, and the appointment of juvenile officers by these judges. The law shown in Exhibit QQ points up this inadequacy.

EXHIBIT QQ

DESIGNATION OF JUDGE-REFEREE

The chief judge of the district shall designate one or more of the district judges or district associate judges, or both, to act as judge or judges of the juvenile court in any county or counties.

The judge of the juvenile court may appoint a referee in juvenile court proceedings. The referee shall be qualified for his duties by training and experience and shall hold office at the pleasure of the judge. The compensation of the referee shall be fixed by the judge. The judge may direct that any case or class of cases arising under chapter 232 shall be heard in the first instance by the referee in the manner provided for the hearing of cases by the court.

EXHIBIT QQ (Continued)

Upon conclusion of a hearing held as provided herein, the referee shall transmit to the judge findings of fact. Notice of the findings of fact of the referee, together with a statement concerning the right to a rehearing, shall be given to the parties to the proceeding heard by the referee, including the parents, guardian or custodian of a minor, and to any other interested person as the court may direct. This notice may be given orally at the hearing, or by certified mail or other service as directed by the court.

The parties to a proceeding heard before the referee shall be entitled to a rehearing by the judge of the juvenile court is requested within seven days after receiving notice of the findings of fact of the referee. In the interest of justice, the court may allow a rehearing at any time. If a rehearing is not requested, the court may enter any appropriate order based upon the referee's findings of fact.

In counties having a population of more than two hundred fifty thousand, the judge of the juvenile court may appoint a director of court services and shall fix his compensation. (231.3, p. 1013).

If the court places the child in the custody of the state department of social services, the court at that point loses jurisdiction over the child and all decisions are made by that state department (see Exhibit RR). There is no law, however, that returns the jurisdiction of the child to the court once the child has been released from the department of social services.

EXHIBIT RR

COMMITMENT TO STATE DIRECTOR

Commitment to the state director shall vest guardianship of the person of the child so committed in the state director and shall terminate the court's jurisdiction. (232.35, p. 1026).

There is no law prohibiting rape or seduction of male juveniles (see Exhibit SS).

EXHIBIT SS

RAPE-DEFINITION-PUNISHMENT

If any person ravish and carnally know any female by force or against her will, or if any person carnally know and abuse any female child under the age of sixteen years, or if any person over the age of twenty-five years carnally know and abuse any female under the age of seventeen years, he shall be imprisoned in the penitentiary for life, or any term of years, not less than five, and the court may pronounce sentence for a lesser period than the maximum, the provisions of the indeterminate sentence law to the contrary notwithstanding. (698.1, p. 3220).

SEDUCTION-DEFINITION-PUNISHMENT

If any person seduce and debauch any unmarried woman of previously chaste character, he shall be punished by imprisonment in the penitentiary not more than five years, or by fine not exceeding one thousand dollars and imprisonment in the county jail not exceeding one year. (700.1, p. 3220).

There is no law prohibiting lascivious acts with children over sixteen years of age as shown by the law cited in Exhibit TT.

EXHIBIT TT

LASCIVIOUS ACTS WITH CHILDREN

Any person over eighteen years of age who shall willfully commit any lewd, immoral, or lascivious act in the presence, or upon or with the body or any part or member thereof, of a child of the age of sixteen years or under, with the intent of arousing, appealing to, or gratifying the lusts or passions or sexual desires of such person, or of such child, or of corrupting the morals of such child, shall be punished by imprisonment in the penitentiary not more than three years, or by imprisonment in the county jail not more than six months, or by fine not exceeding five hundred dollars. (725.2, p. 3255).

There is no law prohibiting female tramps (Exhibit UU).

EXHIBIT UU

TRAMP DEFINED

Any male person sixteen years of age or over, physically able to perform manual labor, who is wandering about, practicing common begging, or having no visible calling or business to maintain himself, and is unable to show reasonable efforts in good faith to secure employment, is a tramp, and any person convicted of being a tramp shall be punished by imprisonment at hard labor in the county jail not exceeding ten days, or by imprisonment in such jail in solitary confinement not exceeding five days. (746.2, p. 3282).

There is no law mandating an authority at the local level to enforce child labor laws with penalties provided for failure to do so (Exhibit VV).

EXHIBIT VV

LABOR COMMISSIONER TO ENFORCE

It shall be the duty of the labor commissioner, his deputies, inspectors, and assistants, to enforce the provisions of this chapter. It shall also be the duty of all mayors and police officers, town and city marshals, sheriffs, and their deputies, school superintendents, school truant and attendance officers, within their several jurisdictions, to cooperate in the enforcement of such provisions and furnish the commissioner, his deputies and assistants all information coming to their knowledge regarding any violations of such provisions. All such officers and any person authorized in writing by any court of record shall have authority to enter for the purpose of investigation any of the establishments and places mentioned in this chapter and to freely question any person therein as to any violations of such provisions.

It shall be the duty of county attorneys to investigate all complaints made to them of violations of any such provisions, and to prosecute all such cases of violation within their respective counties. (92.22, p. 404).

By statute, any juvenile reaches the age of majority by marriage. This affords the married individual the full obligations of an adult regardless of age (Exhibit WW). Laws have not been written, however, to afford these same individuals all the rights of adulthood, such as voting, holding public office, etc.

EXHIBIT WW

PERIOD OF MINORITY

The period of minority extends to the age of nineteen years, but all minors attain their majority by marriage. (599.1, p. 2910).

No law has been written regarding the wife's abandonment of her husband and children as has been done for cases where the husband abandons the family (Exhibit XX).

EXHIBIT XX

CUSTODY OF CHILDREN

If the husband abandons the wife she is entitled to the custody of the minor children, unless the district court, upon application for that purpose, shall otherwise direct. (597.15, p. 2905).

In the true sense of the definition of misdemeanor, it could be interpreted as meaning each alternating public offense is a misdemeanor (Exhibit YY). Further descriptions or limitations are needed if the interpretation of this statute is to be consistent.

EXHIBIT YY

PUBLIC OFFENSES - "MISDEMEANOR" DEFINED

Every other public offense is a misdemeanor. (687.4, p. 3209).

Gaps in the Code Having No Related Laws

There is no law that prevents the conflicts of interest abounding within the juvenile system such as intake screening, probationary services, and the overuse of detention.

Statutory standards governing dispositional orders for juvenile court cases are all but wholly lacking. There is no clear, concise law.

Police contacts with children are handled in a non-judicial manner by the exercise of discretionary power by the police. Whether or not guidelines or standards have been locally established in Iowa for law enforcement officers in making a proper decision in this respect is not known. There are no statutory guidelines.

There is no statute authorizing an authority to seize children for protective custody during early investigations of child abuse.

There are no laws that provide specific guidelines for juvenile commitments to training institutions, reformatories, or penitentiaries. This is left to the discretion of the judge.

Laws generally are designed to prosecute offenders of juveniles. Laws are not designed to protect juveniles.

No one clear, concise, complete, authoritative law has been adopted to define "juvenile" and other terms used as synonyms for it.

SUMMARY

The findings of this study provide conclusive evidence that there are inconsistencies, contradictions, inadequacies and gaps in the juvenile laws of Iowa. Another result of the

study was the identification of all statutes in the Code of Iowa that pertain to juveniles. These juvenile laws of Iowa are identified by chapter and section numbers and entered in that fashion into this report as Appendix C. An index of the juvenile laws of Iowa was developed, providing descriptive titles and cross references. This index appears as Appendix B.

CHAPTER V

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

SUMMARY

This study was designed in order to obtain a complete collection of the Code of Iowa laws pertaining to juveniles. A compilation of laws was completed and a listing of the chapter and section numbers of these laws appears as Appendix C of this study. It contains 583 laws gleaned from 97 of the code's 795 Chapters.

A comprehensive index was designed for those laws pertaining to juveniles. This index contains twenty-four major topics and also includes subtopics and cross referencing. It appears as Appendix B of this study.

The process of analyzing the juvenile laws necessitated the use of certain sections of the law more than one time. As an example, laws pertaining to education were filed under the topic of education. In addition many of these same laws applied to the family, and therefore, were filed under the topic of family. As a method of analysis, main topics such as age were used to collect those laws relating to age under one topic. Many of these laws relating to age also should be classified under other topics. For example, the compulsory education law states the requirements of children

for school attendance. That information should be available to both school personnel and parents. That section of the code was then filed under age, education and family. The numerical listing of sections of the law that were used more than once, the descriptive title given these statutes, and the location for their filing in the index appear as Appendix A of this study. One hundred ninety-eight such multi-referenced laws were found.

The intent of this investigation was also to ascertain what, if any, inconsistencies, contradictions, inadequacies and gaps occur in the Juvenile Laws of Iowa. As evidenced by exhibits in Chapter IV, they do in fact occur.

There are a total of ninety-nine examples cited in Chapter IV encompassing eighty laws and illustrated in fifty-one exhibits. The inconsistencies in terminology are shown in Exhibit A through Exhibit E. Nineteen laws are cited in these exhibits as being inconsistent. Contradictions of the law are illustrated in Exhibit F through Exhibit O. Twenty-three laws are shown to be contradictory.

Inadequacies in the law were found in forty-six sections of the code and may be seen in Exhibits P through OO. These were sub-divided into antiquated laws, duplication of laws, discrimination by laws, and inconsistencies in design of the laws. Antiquated laws appear as Exhibit P through U and constitute nine laws. Eight duplications of laws are illustrated in Exhibits V through Y. Eleven discriminations

by law are shown in Exhibit Z through Exhibit GG. Eighteen inconsistencies in the formulation of laws appear as Exhibits HH through OO.

Gaps in the juvenile laws also exist in the Code of Iowa. These gaps were treated in two separate manners. First, when a law existed that displayed a particular gap, that section of the code was cited as an exhibit and special reference was made concerning the gap which exists. Eleven such gaps are illustrated in Exhibits PP through YY. Second, gaps were found in the code that had no related laws. These were then treated in written form only in that there were no laws to cite. There were eight such areas discussed.

CONCLUSIONS

The following conclusions are the results of this study:

1. No separate compendium of the juvenile laws of Iowa is available for general use. These laws are scattered throughout the Code of Iowa in such a way that it is virtually impossible to identify all statutes relating to a particular topic in a convenient manner. Associated with this problem is the fact that laws pertaining to juveniles are sometimes only parts of
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more general laws pertaining to adults.

2. The index of laws, which is found in the Code of Iowa, is not particularly useful since titles of laws on which this index is based are not always descriptive of the contents of the laws.
 3. There are inconsistencies in the laws pertaining to juveniles, particularly in the lack of a specific definition for juvenile and for terms used synonymously with it.
 4. Contradictions exist in the juvenile laws of Iowa. Many of these are a result of the inconsistencies in definitions. Such contradictions occur within laws and between laws.
 5. Inadequacies in laws of Iowa pertaining to juveniles occur in the following ways:
 - a. Some laws are no longer pertinent since their content is antiquated.
 - b. Duplications exist to the degree that some laws are exact duplicates of others.
 - c. Discrimination by law was found in terms of sex, age and marital status.
 - d. The design of laws was inconsistent in that some laws included the violations and penalties to be assessed while others provide for these in separate sections. Also, some laws fail to be complete since their interpretation is dependent on
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other laws.

6. Gaps in the laws concerning juveniles were identified in the following areas:
 - a. No precise role description is provided for juvenile officers.
 - b. No guidelines are provided concerning the disposition of juvenile court cases. The discretion of the judge prevails.
 - c. No specific and pertinent training for their role is required of juvenile court judges or probation officers.
 - d. There is no legal provision for returning a juvenile to the jurisdiction of a court after referral to the Department of Social Services.
 - e. There is no authorization for seizure of juveniles for their protection in cases of suspected child abuse.
7. There are a number of apparent problems associated with the juvenile laws of Iowa which do not conveniently fit into the conclusions above. For example, even though juveniles must be kept separate from adults in a confinement facility, there is no statute requiring completely separate confinement facilities for juveniles that are designed specifically for them.

Also, laws appear to be designed primarily to prosecute offenders whether such offenses are

committed against or by juveniles. Laws do not seem to be designed to protect juveniles.

A question could be raised concerning the constitutionality of juvenile laws, particularly with reference to due process and a trial by jury within the juvenile court system. The juvenile code is not clear regarding the juvenile's right to appropriate notice, to counsel, to confrontation and cross-examination, to the privilege against self-incrimination, to application of a standard of proof beyond a reasonable doubt, and to the confidentiality of records.

Finally, no statutory basis was found for removing juvenile offense records from the recording system when the individuals reach the age of majority.

RECOMMENDATION FOR DEVELOPING A MODEL JUVENILE CODE OF IOWA

The following recommendations are the results of this study:

1. The juvenile laws of Iowa should be so organized that a juvenile Code of Iowa would result or that a separate division within the Code of Iowa would include all the laws pertaining to juveniles.
2. Chapter and section titles of the juvenile laws should be made descriptive of the contents of the laws.
3. An index should be provided and kept current using

descriptive titles, thus enabling any interested party to readily locate specific juvenile laws.

4. Inconsistencies, contradictions and inadequacies currently existing in the juvenile laws of Iowa should be corrected.
5. Statutory provisions should be made to correct the gaps that exist in the juvenile laws that have been cited in Chapter IV and the conclusions of this study.

RECOMMENDATIONS FOR FURTHER STUDY

There are a number of apparent problems associated with the juvenile laws of Iowa that were not the direct results of this study. It appears that additional studies need to be initiated. Recommendations for further study are as follows:

1. An investigation should be made of the need for and feasibility of rewriting or adding legislation designed specifically to protect juveniles.
2. The need for separate confinement facilities for juveniles which are designed specifically for them should be studied.
3. The constitutionality of all juvenile laws should be studied. Of concern in this area would be rights to:
 - a. Due process
 - b. Appropriate notice
 - c. Counsel

- d. Confrontation and cross-examination
 - e. Standards for proof of guilt
 - f. Confidentiality of records
 - g. Trial by jury within the juvenile court system.
4. A study should also be made of the advisability of sealing permanently records of juvenile offenses at the conclusion of the period of minority or when retribution for the offense has been exacted.

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APPENDIX A

**MULTIPLE PURPOSE LAWS, THEIR DESCRIPTIVE TITLE AND WHERE
THEY ARE LOCATED IN THE INDEX**

A DESCRIPTION OF APPENDIX A

The first column of this Appendix designates the section or sections of each chapter of the Code of Iowa that have been used in the index more than one time.

The center column contains the descriptive titles of these sections.

The third column lists the locations where each of these laws is indexed.

MULTIPLE PURPOSE LAWS, THEIR DESCRIPTIVE TITLE AND WHERE
THEY ARE LOCATED IN THE INDEX

Chapter and Section	Descriptive Title of Section	Index Headings
35A.4	World War II Survivors	Orphans Rights & Liabilities (Inheritance)
35B.4	Korean Conflict Survivors	Orphans Rights & Liabilities
85.31	Death Cases- Dependents	Rights & Liabilities Workmen's Compensation
85.42	Dependents, Con- clusively Presumed	Family Rights & Liabilities Workmen's Compensation
85.43	Spouse, Payment to	Family Rights & Liabilities Workmen's Compensation
98.2	Sale or Gift of Cigarettes and Tobacco to Minors Prohibited	Cigarettes & Tobacco Education Family
98.3	Violations of Cigarette and Tobacco Sales to Minors	Cigarettes & Tobacco Public Offenses
98.4	Information Required of Minors as to Source of Cigarettes	Cigarettes & Tobacco Education Family Public Offenses
98.5	Violation, Cigarettes and Tobacco Information by Minors	Cigarettes & Tobacco Education Family Public Offenses
98.40	Advertising of Cigarettes and Tobacco Near Schools, Prohibited	Cigarettes & Tobacco Education Public Offenses

Chapter and Section	Descriptive Title of Section	Index Headings
98.41	Penalty for Violation of Cigarette and Tobacco Advertisement	Cigarettes & Tobacco Education Public Offenses
110.17	Fish and Game License-License not Required	Family Licensing Rights & Liabilities
123.3	Legal Age	Age Alcoholic Beverages
123.47	Sale of Alcoholic Beverages to Persons Under Legal Age Prohibited	Alcoholic Beverages Family Public Offenses
123.48	Evidence of Legal Age for Purchase of Alcoholic Beverages Demanded	Alcoholic Beverages Public Offenses
123.49	Miscellaneous Prohi- bitions Regarding Alcoholic Beverages	Age Alcoholic Beverages Labor Public Offenses
123.59	Bootlegging	Alcoholic Beverages Public Offenses
123.92	Civil Liability Applicable to Sale or Gift of Beer or Intoxicant by Licensee	Alcoholic Beverages Rights & Liabilities
123B.14	Estate of Alcoholic's Child	Alcoholic Beverages Family
139.24	Medical Attendance for Contagious Diseases, County Liability	Contagious and Infec- tious Diseases Courts, Juvenile (Neglected, Dependent and Delinquent Children) Family

Chapter and Section	Descriptive Title of Section	Index Headings
139.31	Exposing Another to a Contagious Disease	Contagious and Infectious Diseases Rights & Liabilities Public Offenses
140.9	Medical Treatment of Venereal Disease	Contagious and Infectious Diseases Family Rights & Liabilities
140.11	Blood Tests for Venereal Diseases of Pregnant Women	Contagious and Infectious Diseases Family Rights & Liabilities
140.13	Medical Treatment of Newly Born	Contagious and Infectious Diseases Family Rights & Liabilities
155.30	Sale of Drugs to a Minor	Drugs Public Offenses
204.406	Distribution of Drugs to Persons Under Eighteen Years of Age Shall be Punished	Drugs Public Offenses Rights & Liabilities
205.10	Poisons, False Representation in Sale of	Drugs Public Offenses
222.13	Mentally Retarded- Voluntary Admissions by Parents or Guardians	Family Training Institutions
222.15	Mentally Retarded- Discharge of Voluntary Patients by Parents or Guardians	Family Training Institutions
222.16	Mentally Retarded- Adjudication of Retardation by any Reputable Citizen	Family Training Institutions

Chapter and Section	Descriptive Title of Section	Index Headings
222.52	Mentally Retarded- Hearings	Courts, Juvenile Family
222.53	Mentally Retarded- Conviction of Crime	Courts, District Family
222.78	Mentally Retarded- Parents and Others Liable for Support	Family Training Institutions
232.2	Definitions-Court- Judge-Child-Minor- Adult-Legal Custody- Guardianship of other Person, etc.	Age Courts, Juvenile
232.7	Custody, Child Taken Into	Courts, Juvenile Family (Custody)
232.15	Custody, When Immediate Custody May Be Taken	Courts, Juvenile Family (Custody)
232.16	Custody, Notice to Parents When Child Taken Into Immediate Custody	Courts, Juvenile Family (Custody)
232.17	Detention, Notifying Court of Child's Detention	Courts, Juvenile Family, (Custody)
232.18	Detention, When Child May be Detained	Courts, Juvenile Family, (Custody)
232.21	Juvenile Home Authorized	Courts, Juvenile Training Institutions
232.23	Juvenile Home Education	Courts, Juvenile Education
232.28	Right to Counsel for Juvenile Court	Courts, Juvenile Family

Chapter and Section	Descriptive Title of Section	Index Headings
232.36	Court Orders Continue to Majority of Child	Age Courts, Juvenile
232.41	Court Termination of Relationship Between Parent-Child	Courts, Juvenile Family
232.64	Juvenile Appearing in Other Than Juvenile Court	Age Courts, Juvenile
232.73	Criminal Court Prosecution Authorized	Courts, District Courts, Juvenile
233.1	Delinquency, Contribu- ting to	Age Courts, Juvenile (Neglected, Dependent and Delinquent Children) Public Offenses
234.1	Child and Family Ser- vices, Definitions of	Age Social Services
235A.2	Definitions for Abuse of Children	Abuse to Children Age
236.22	Child Placement by Maternity Hospitals	Child Placing Agency Family (Vital Statistics) Medical
236.24	Birth, Report as to	Family (Vital Statistics) Medical Assistance
236.25	Deaths, Report as to	Family (Vital Statistics) Medical Assistance
238.32	Authority of Child Placing Agencies	Age Child Placing Agency
239.1	Aid to Dependent Children, Definitions	Age Aid to Dependent Children

Chapter and Section	Descriptive Title of Section	Index Headings
240.2	Educational Institutions for Neglected Dependent and Delinquent Children	Age Education Training Institutions
242.6	Conviction for Crime	Age Training Institutions
242.8	Training School Placement	Age Training Institutions
242.13	Binding Out or Discharge from Training Schools	Age Training Institutions
244.3	Admissions to Juvenile Homes	Age Training Institutions
245.4	Commitments to Women's Reformatory	Age Training Institutions
245.5	Optional Commitments for Life	Age Training Institutions
253.9	Education of Children in County Homes	County Homes Education
261.7	Student Loan Obligations	Education Rights & Liabilities
261.10	Tuition Grant Qualifications	Education Rights & Liabilities
270.2	Labor of Pupils for School of the Deaf	Education Labor
279.9	Use of Tobacco	Cigarettes & Tobacco Education Public Offenses
287.1	Secret Societies and Fraternities	Education Public Offenses Rights & Liabilities
287.4	Rushing Prohibited	Education Public Offenses

Chapter and Section	Descriptive Title of Section	Index Headings
288.2	Evening School- Establishment Mandatory	Education Rights & Liabilities
288.3	Evening Schools- Eligibility	Education Rights & Liabilities
289.1	Part-Time Schools Authorized with Mandatory Attendance	Education Family
289.6	Violations of Attend- ance to Part-Time Schools	Education Family Public Offenses
299.1	Compulsory Education, Attendance Requirements	Age Education Family Rights & Liabilities
299.2	Compulsory Education, Exceptions	Age Education Rights & Liabilities
299.4	Compulsory Education, Reports as to Private Instruction	Education Family
299.5	Compulsory Education, Proof of Abnormality	Education Family
299.6	Compulsory Education, Violations of	Education Public Offenses
299.8	Compulsory Education, Truant Defined	Age Education Public Offenses Rights & Liabilities
299.11	Compulsory Education- Truancy Officer, Duty of	Education Family Public Offenses
299.13	Compulsory Education- Incorrigibles	Courts, Juvenile Education Public Offenses

Chapter and Section	Descriptive Title of Section	Index Headings
299.18	Compulsory Education for the Handicapped Mandatory	Education Family Training Institutions
299.19	Compulsory Education for the Handicapped Mandatory, Violations	Courts, Juvenile Education Family
299.20	Compulsory Education for the Handicapped Mandatory by Court Order	Courts, Juvenile Education
299.21	Compulsory Education- Contempt of Court	Courts, Juvenile Education
299.22	Compulsory Education for Handicapped Children Excused	Education Family Training Institutions
299.24	Compulsory Education for Religious Groups Excepted from School Standards	Education Rights & Liabilities
321.177	Persons not to be Licensed	Education Licensing
321.178	Driver's Education	Education Licensing Rights & Liabilities
321.179	Driver's License Special Restrictions on Chauffeurs	Education Licensing
321.180	Driver's Instruction Permits	Education Family Licensing
321.181	Driver's Temporary Permits	Education Licensing
321.184	Driver's License Appli- cation by Minors	Family Licensing

Chapter and Section	Descriptive Title of Section	Index Headings
321.185	Driver's License Applications Effected by Death of Person Signing Application	Family Licensing
321.194	Driver's License for Schools Permits	Education Family Licensing
321.219	Driver's License Violations	Licensing Public Offenses
321.372	School Bus Regulations	Education Licensing
321.375	School Bus Regulations	Education Licensing
321.376	School Bus Driver's License	Education Licensing
356.34	Prisoners and the Support of Dependents	Courts, District Family Public Offenses
450.9	Inheritance Tax Exemptions	Family Rights & Liabilities
450.10	Inheritance Tax Rate	Family Rights & Liabilities
533.13	Ownership of Special Shares and Accounts	Family (Insurance) Rights & Liabilities
534.11	Share Accounts	Family (Insurance) Rights & Liabilities
565A.1	Gifts to Minors	Age Gifts to Minors
565A.2	Gifts to Minors	Family Gifts to Minors
565A.3	Gifts Irrevocable	Family Gifts to Minors

Chapter and Section	Descriptive Title of Section	Index Headings
565A.4	Gifts to Minors with Management by Custodian	Family Gifts to Minors
565A.5	Gifts to Minors with Compensation Bond and Liability of Custodian	Family Gifts to Minors
565A.7	Gifts to Minors with Successor to Custodian	Family Gifts to Minors
565A.8	Gifts to Minors with Petition for Accounting by Custodian	Family Gifts to Minors Rights & Liabilities
595.2	Marriage Age	Age Family
595.3	Marriage License	Age Family Licensing
595.8	Marriage with Consent of Parent	Family Licensing Public Offenses
596.1	Marriage License Requires Examination by Physician	Contagious & Infectious Diseases Family Licensing
596.2	Marriage License Requires Certificate by Physician	Family Licensing
596.4	Marriage License, Exceptions as to Pregnant Women	Family Licensing
598.34	Marriage Dissolution- Support Payments	Family Welfare
599.1	Marriage Results in the Attainment of the Rights of the Majority	Age Family, (Marriage) Rights & Liabilities
599.2	Contracts Disaffirmance	Rights & Liabilities

Chapter and Section	Descriptive Title of Section	Index Headings
599.3	Contract Misrepresentations	Rights & Liabilities
599.4	Contract Payments	Family Rights & Liabilities
599.5	Veterans Minority Disabilities	Age Rights & Liabilities
599.6	Blood Donations	Age Rights & Liabilities
600.3	Adoption Consent	Child Placing Agency Family, (Adoption) Rights & Liabilities
600.4	Adoption with Notice of Hearing	Courts, District Family, (Adoption)
600.5	Adoption Decree with Change of Name	Courts, District Family, (Adoption)
600.6	Adoption Status of the Child	Family, (Adoption) Rights & Liabilities
600.7	Adoption Annulment	Family, (Adoption) Rights & Liabilities
613.7	Legal Defense of Parties to Action	Courts, District Family Rights & Liabilities
613.15	Legal Defense of Incompetent in Parties to Action	Courts, District Family Rights & Liabilities
613.16	Parental Responsibility for Action of Children	Family Rights & Liabilities
622.1	Evidence as a Witness	Courts, District Rights & Liabilities
622.13	Evidence as a Witness and Civil Liability	Courts, District Rights & Liabilities

Chapter and Section	Descriptive Title of Section	Index Headings
622.14	Evidence as Witness, Criminating Questions	Courts, District Rights & Liabilities
622.16	Evidence as Witness Immunity from Prosecu- tion	Courts, District Rights & Liabilities
627.6	Debt Exemptions	Family, (Debts) Rights & Liabilities
627.12	Debt Exemptions for Support of Minors	Family, (Debts) Rights & Liabilities
627.19	Debt Exemption for Adopted Child	Family, (Debts) Rights & Liabilities
633.3	Probate Code, Definitions	Age Courts, Probate
633.108	Wills for Minors	Courts, Probate Rights, & Liabilities
633.219	Estate Settlement to Heirs	Courts, Probate Rights & Liabilities
633.220	Estate settlement to Afterborn Heirs	Courts, Probate Rights & Liabilities
633.221	Estate Settlement to Illegitimate Child	Courts, Probate Rights & Liabilities
633.222	Estate Settlement to Illegitimate Child from Father	Courts, Probate Rights & Liabilities
633.223	Estate Settlement to Adopted Child	Courts, Probate Family Rights & Liabilities
633.266(4)	Estate Settlement Limitations on Disposal by Will	Courts, Probate Family Rights & Liabilities

Chapter and Section	Descriptive Title of Section	Index Headings
633.267	Estate Settlement for Children Adopted After Execution of Will	Courts, Probate Family Rights & Liabilities
633.280	Wills, Competency of Witness	Courts, Probate Rights & Liabilities
633.320	Wills, Determination of Last Will	Courts, Probate Rights & Liabilities
633.336	Estate Established by Wrongful Death	Courts, Probate Rights & Liabilities
633.376	Estate Allowance to Minor Children Who Do Not Reside With Sur- viving Spouse	Courts, Probate Rights & Liabilities
633.377	Estate Review of Allow- ance to Minor Children	Courts, Probate Rights & Liabilities
633.433	Estate Administrators Payment of Debts	Courts, Probate Rights & Liabilities
633.552	Guardian Appointment Petition	Courts, Probate Family, (Guardianship)
633.553	Guardians and Conserva- tors not Required to Give Notice	Courts, Probate Family, (Guardianship)
633.557	Guardians and Conser- vators Appointment by Proposed Ward	Courts, Probate Family, (Guardianship) Rights & Liabilities
633.559	Guardians and Conser- vators Preference as to Appointment	Courts, Probate Family, (Guardianship) Rights & Liabilities
633.567	Guardians and Conser- vators not Required to Give Notice	Courts, Probate Family, (Guardianship)
633.571	Guardians and Conserva- tors Preference as to Appointment of Conservator	Courts, Probate Family, (Guardianship) Rights & Liabilities

Chapter and Section	Descriptive Title of Section	Index Headings
633.572	Guardian and Conser- vator Appointed by Proposed Ward	Courts, Probate Family, (Guardianship) Rights & Liabilities
633.574	Guardians and Conserva- tors Procedures in Lieu of Conservatorship	Family, (Guardianship) Rights & Liabilities
633.582	Guardians and Conser- vators Notice on County Attorney	Courts, Probate Family, (Guardianship)
633.675	Guardians and Conser- vators Cause for Termination	Courts, Probate Family, (Guardianship)
633.681	Guardians and Conserva- tors Terminated When Assets of Minor Were Exhausted	Courts, Probate Family, (Guardianship) Rights & Liabilities
675.1	Paternity of Children Obligations of Parents	Family Rights & Liabilities
675.2	Paternity of Children Recovery by Mother from Father	Family Rights & Liabilities
675.4	Paternity of Children Recovery by Others than Mother	Family Rights & Liabilities
675.5	Paternity of Children Discharge of Father's Obligation	Family Rights & Liabilities
675.6	Paternity of Children Liability of Father's Estate	Courts, Probate Family Rights & Liabilities
675.8	Paternity of Children Who May Institute Proceedings	Family Rights & Liabilities
675.11	Paternity of Children Non-Resident Complainant	Family Rights & Liabilities

Chapter and Section	Descriptive Title of Section	Index Headings
675.14	Paternity of Children Substance of Complaint	Family Rights & Liabilities
675.21	Paternity of Children Death Absence or Mental Illness of Mother- Testimony Receivable	Family Rights & Liabilities
675.24	Paternity of Children Judgment in General	Family Rights & Liabilities
675.25	Paternity of Children Form of Judgment	Family Rights & Liabilities
675.26	Paternity of Children Expense of Confinement	Family Rights & Liabilities
675.29	Paternity of Children Desertion Statute	Family Rights & Liabilities
675.30	Paternity of Children Agreement or Compromise Regarding Support of Children	Family Rights & Liabilities
675.31	Paternity of Children Continuing Jurisdiction over Support	Family Rights & Liabilities
675.34	Paternity of Children Foreign Judgments	Family Rights & Liabilities
675.35	Paternity of Children Reference to Ille- gitimacy Prohibited	Family Rights & Liabilities
675.36	Paternity of Children Vital Statistics	Family Rights & Liabilities
701.1	Abortion, Attempt to Produce	Drugs Public Offenses
725.3	Obscenity and Indecency, Immoral Plays, Exhibi- tions and Entertainment	Education Public Offenses

Chapter and Section	Descriptive Title of Section	Index Headings
725.4	Obscenity and Indecency, Obscene Books, or Pic- tures, Printing or Distribution	Education Public Offenses
726.9	Gambling, Minors in Billiard Rooms, Duty of Owner	Alcoholic Beverages Public Offenses
726.10	Gambling, Punishment	Alcoholic Beverages Public Offenses
731.1	Desertion and Abandon- ment, Desertion Defined	Family, (Desertion and Abandonment) Public Offenses
731.3	Desertion and Abandon- ment, Release on Bond Conditioned on Support	Family, (Desertion and Abandonment) Public Offenses
731.6	Desertion and Abandon- ment, Evidence Neglect of Children Prima Facie	Family, (Desertion and Abandonment) Public Offenses
731.7	Desertion and Abandon- ment, Exposing and Abandoning Child	Family, (Desertion and Abandonment) Public Offenses
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APPENDIX B
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A DESCRIPTION OF APPENDIX B (THE INDEX)

The twenty-four major topics under which the initial classifications were made appear in the alphabetical listing in capital letters. Those topics used as cross-references appear in the listing in the same manner as the major topics but with only first letters of major words capitalized.

Subtopics are included under the major topics in alphabetical order in each case. They are indented with the first letter capitalized and followed by chapter and section numbers where they may be found in the Code of Iowa.

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APPENDIX C

LAWS WHICH PERTAIN TO JUVENILES;
CHAPTER AND SECTION NUMBERS
OF THE CODE OF IOWA

A DESCRIPTION OF APPENDIX C

The following pages contain a listing of the chapter and section numbers of the 583 laws pertaining to juveniles which are found in the 1973 Code of Iowa.

These were identified through the following three processes:

1. A personal intensive search through the Code of Iowa by the investigator.
2. A second search through the Code conducted by members of a graduate class in school of law.
3. A computer search conducted by personnel in the Iowa Legislative Research Bureau.

LAWS WHICH PERTAIN TO JUVENILES; CHAPTER AND
SECTION NUMBERS OF THE CODE OF IOWA

35.7	92.11	123B.14
35.8	92.12	139.24
35.9	92.13	139.31
35.10	92.14	140.9
35.12	92.17	140.11
35A.4	92.19	140.12
35B.4	92.20	140.13
47.4	92.21	144.1
85.31	92.22	144.13
85.42	92.23	144.14
85.43	98.2	144.15
85.45	98.3	144.19
85.49	98.4	144.21
91.11	98.5	144.29
92.1	98.40	144.40
92.2	98.41	155.30
92.3	110.17	204.406
92.4	123.3	205.9
92.5	123.47	205.10
92.6	123.48	217.1
92.7	123.49	217.6
92.8	123.59	217.8
92.10	123.92	217.9

218.1	232.3	232.28
218.3	232.4	232.29
218.27	232.5	232.30
218.91	232.6	232.31
222.1	232.7	232.32
222.13	232.8	232.33
222.15	232.9	232.34
222.16	232.10	232.35
222.33	232.11	232.36
222.52	232.12	232.37
222.53	232.13	232.38
222.78	232.14	232.39
231.1	232.15	232.40
231.2	232.16	232.41
231.3	232.17	232.42
231.4	232.18	232.43
231.5	232.19	232.44
231.6	232.20	232.45
231.7	232.21	232.46
231.8	232.22	232.47
231.10	232.23	232.48
231.14	232.24	232.49
231.15	232.25	232.50
232.1	232.26	232.51
232.2	232.27	232.52

232.53	234.6	237.6
232.54	234.9	237.7
232.55	235.1	237.8
232.56	235.2	237.9
232.57	235.3	237.10
232.58	235.4	237.11
232.59	235.5	237.12
232.60	235A.1	237.13
232.63	235A.2	237.14
232.64	235A.3	237.15
232.65	235A.4	237.16
232.66	235A.5	238.1
232.67	235A.6	238.2
232.68	236.22	238.3
232.69	236.23	238.4
232.70	236.24	238.5
232.71	236.25	238.6
232.72	236.26	238.7
232.73	236.27	238.8
233.1	236.28	238.9
233.2	237.1	238.10
233.3	237.2	238.11
233.4	237.3	238.12
234.1	237.4	238.13
234.2	237.5	238.14

238.15	238.40	241.2
238.16	238.41	241.23
238.17	238.42	242.1
238.18	238.43	242.2
238.19	238.44	242.3
238.20	238.45	242.4
238.21	239.1	242.5
238.22	239.2	242.6
238.23	239.11	242.7
238.24	239.12	242.8
238.25	239.14	242.9
238.26	239.15	242.10
238.27	240.1	242.11
238.28	240.2	242.12
238.29	240.3	242.13
238.30	240.4	242.14
238.31	240.5	242.15
238.32	240.6	244.1
238.33	240.7	244.2
238.34	240.8	244.3
238.35	240.9	244.4
238.36	240.10	244.5
238.37	240.11	244.6
238.38	240.12	244.7
238.39	241.1	244.8

244.9	252A.2	270.2
244.10	252A.3	270.3
244.11	252A.4	270.4
244.12	252A.5	270.8
244.13	252A.6	279.9
244.14	252A.7	279.11
244.15	252A.8	280.1
245.1	252A.9	280.3
245.4	252A.10	280.9
245.5	252A.11	280.14
245.6	252A.12	280.20
245.7	253.9	280.22
246.14	255.1	280A.1
246.26	255.9	281.3
249A.3	255.11	281.4
249C.1	255.14	281.5
249C.12	255.22	281.6
252.1	261.5	281.7
252.3	261.7	281.8
252.6	261.8	281.9
252.8	261.10	282.1
252.10	261.11	282.2
252.16	261.12	282.3
252A.1	261.14	282.4
252A.2	270.1	282.5

282.17	299.8	321.194
282.18	299.9	321.219
282.25	299.10	321.372
282.26	299.11	321.375
285.1	299.12	321.376
287.1	299.13	356.3
287.2	299.14	356.16
287.3	299.15	356.34
287.4	299.16	410.10
288.1	299.18	444.11
288.2	299.19	450.9
288.3	299.20	450.10
289.1	299.21	472.15
289.2	299.22	472.16
289.3	299.23	510.10
289.5	299.24	512.56
289.6	321.174	512.59
289.7	321.177	512.60
299.1	321.178	533.13
299.2	321.179	534.11
299.3	321.180	561.15
299.4	321.181	565A.1
299.5	321.182	565A.2
299.6	321.184	565A.3
299.7	321.185	565A.4

565A.5	598.31	627.6
565A.6	598.32	627.12
565A.7	598.34	627.19
565A.8	599.1	633.3
565A.9	599.2	633.22
565A.10	599.3	633.31
565A.11	599.4	633.108
567.7	599.5	633.219
587.4	599.6	633.220
595.2	600.1	633.221
595.3	600.2	633.222
595.4	600.3	633.223
595.8	600.4	633.266
595.18	600.5	633.267
596.1	600.6	633.280
596.2	600.7	633.320
596.4	600.13	633.336
597.15	613.7	633.376
598.11	613.15	633.377
598.12	613.16	633.433
598.13	622.1	633.552
598.17	622.13	633.553
598.21	622.14	633.557
598.22	622.16	633.559
598.25	624.38	633.566

633.567	675.29	725.3
633.571	675.30	725.4
633.572	675.31	725.5
633.574	675.34	725.8
633.582	675.35	726.9
633.675	675.36	726.10
633.681	687.1	731.1
658.6	687.2	731.3
674.6	687.3	731.6
674.9	687.4	731.7
674.12	687.5	731A.1
675.1	687.6	731A.2
675.4	687.7	731A.3
675.5	695.26	731A.4
675.6	698.1	732.30
675.8	700.1	745.1
675.11	701.1	745.3
675.14	706.2	746.1
675.21	724.7	746.2
675.24	724.10	761.22
675.25	725.2	761.23
675.26		